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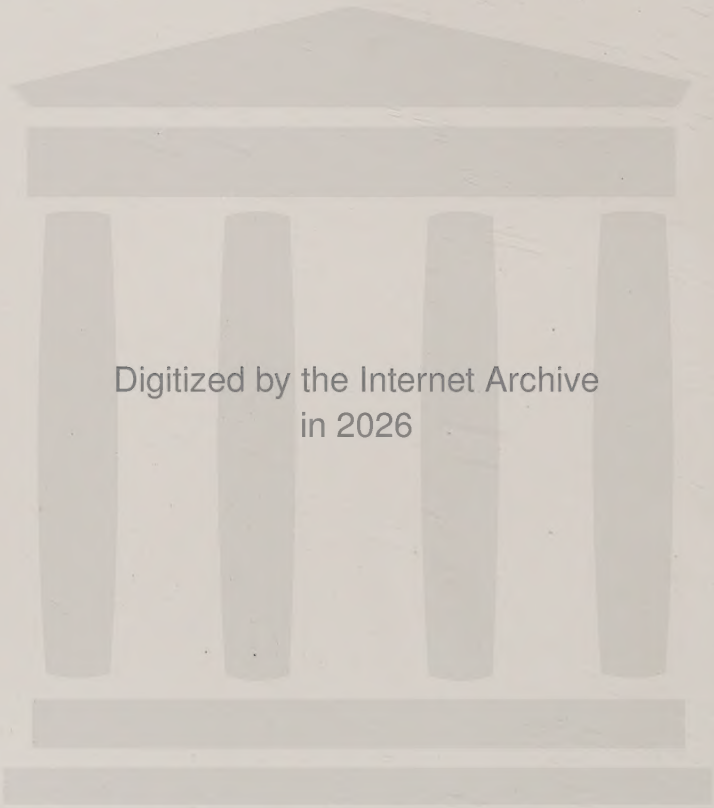
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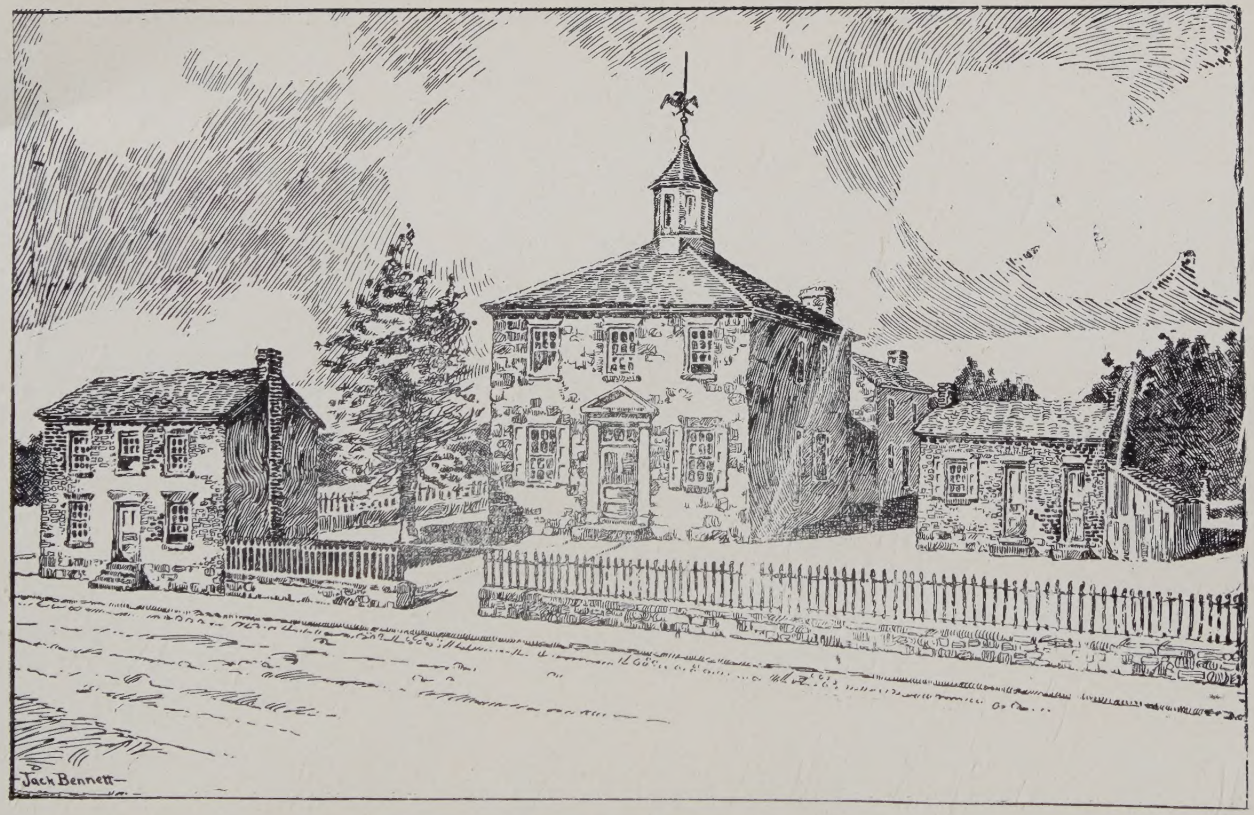


First Capitol of Ohio, 1801–1808, Chillicothe, Ohio.

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# OHIO

# Archæological and Historical

## PUBLICATIONS.

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Volume V.

E. C. Randall 1900

COLUMBUS:
PUBLISHED FOR THE SOCIETY
BY
FRED. J. HEER.

Entered according to the Act of Congress
in the year 1900

BY E. O. RANDALL

In the office of the Librarian of Congress
at Washington

# PREFACE.

THE Ohio State Archæological and Historical Society herewith presents to its members and patrons Volume V of its publications. We are justified in saying, that it is the most valuable contribution to the historical literature of Ohio yet published by the Society. It contains material never before made accessible to the public, and this material has been gathered and placed in logical and intelligible form by gentlemen thoroughly competent to do this work.

Mr. D. J. Ryan, Secretary of the State of Ohio, for the years 1888-1892, has been a close student of the events pertaining to our state, has written "A History of Ohio" — (1888) — and has contributed to the press many articles upon our state's history. In the chapters entitled "From Charter to Constitution", Mr. Ryan has prepared what may be called an abstract of the title to the territory that now constitutes the State of Ohio. He has produced in their order, copies of the documents establishing the chain of possession and transfer from the original colonial grant (1606) of the English crown to the state Constitutional Convention of 1802 and the act of Congress of 1803 recognizing the State of Ohio. The disputes as to the territorial boundaries of the state were treated in the last volume (IV) of the Society, published January, 1896.

The article by Mr. J. F. Laning, member of the State Senate from Huron County, appropriately supplements the one by Mr. Ryan. Mr Laning is the author of "Ohio Civics," "Law for Ohio Schools," "The Growth and History of Ohio," etc. His paper on the evolution of the counties or gradual division and re-division of the state into counties, was especially prepared for our Society. Mr. Laning was unable to continue the article to the present date in time for the issuing of this volume. The completion of the article will appear in a subsequent publication of the Society.

While thus accomplishing original and valuable work in the historical line, the Society has done more the past year in the Archæological department than ever before, as the admirable report of Mr. Warren K. Moorehead is evidence. Perhaps no state in the Union offers richer or greater opportunities of research and study in the fields of American Archæology and Ethnology than does Ohio.. Not only is Ohio great in its present position in the nation, but it apparently was equally prominent and potent in the prehistoric period.

As Mr. O. C. Hooper wrote, after his visit to Ft. Ancient with the Society, June 7, 1897:

Before Ohio knew a name, a thousand years ago,
A great cazique stood on the heights and watched Miami's flow:
Tall, straight, majestic as a god, he looked the valley o'er
And heard the hungry breeze repeat the water's sullen roar.
About him Nature lay full-garbed in leaf and blade and flower,
While he, the boss, stood clothed upon with little else than power.

* * * *

And thus he died, this earthly boss of all that mighty clan:
His aim was high, like every aim of the Ohio man.
He failed, but still did good, and so quite justified the birth
Of that desire within his breast to have and own the earth.

Mr. Moorehead's report of the work of the Society is ample proof that the prehistoric Ohio man is worthy of careful and minute investigation. The funds placed by the state at the disposal of the Society for Archæological research have been economically and profitably expended. The worth of the publications of this society is attested by the increasing demand for them by similar societies and public libraries throughout the United States and even in foreign countries.

The secretary's report to the governor for the years 1895 and 1896, re-printed in this volume, speak for themselves and fully set forth the scope and work of the Society, during the period in question.

The Society will hereafter publish its documents in the form of a Quarterly Magazine, the first number of which will appear January, 1898. The paging of these quarterlies will be con-

secutive, so that at the close of the year they may be bound together and constitute a complete annual volume. This is the method generally pursued by similar societies, and it is believed, will be more satisfactory to the members and patrons — of our Society.

We publish with this volume a reproduction of the first official map of Ohio, issued in January, 1804, in accordance with the government survey made by General Rufus Putnam while Surveyor General of the United States.

E. O. RANDALL, *Secretary.*

*Columbus,* August, 1897.

# TABLE OF CONTENTS.


| | PAGE |
|---|---|
| From Charter to Constitution. By DANIEL J. RYAN | 1 |
| Report of Field Work. By WARREN KING MOOREHEAD | 165 |
| Eleventh Annual Report of the Society to the Governor. By E. O. RANDALL, Secretary | 275 |
| Twelfth Annual Report of the Society to the Governor. By E. O. RANDALL, Secretary | 291 |
| The Evolution of Ohio Counties. By J. F. LANING | 326 |

# FROM CHARTER TO CONSTITUTION.

By Daniel J. Ryan.

## INTRODUCTION.

The compilation of official documents and state papers which follows this introduction was made for the purpose of collecting together the established and historical evidences of the title to the landed area now known as the State of Ohio.

The English Charters which were granted in the beginning of the seventeenth century form the fountain head of the title of the United States subsequently acquired from Great Britain by the treaty of 1783. It is historically valuable to study these charters with a view to a more thorough understanding of this subject.

In 1606, April 10, James I. of England, on petition of Sir Thomas Gates, Sir George Somers and others, issued a charter empowering them and their associates to establish two colonies named in the charter as the "First Colony" and "Second Colony." The "First Colony" is known in history as the "London Company" because it was composed, to use the language of the charter, of "Adventurers of and for our City of London." It had its headquarters in the chief city of England. Its grant, territorially speaking, covered a strip of sea coast fifty miles broad, extending from the thirty-fourth to the forty-first parallel, with all the islands within one hundred miles of the shore. No settlements were to be permitted to the interior or the rear of this strip except upon written permission of the Colonial Council. By the same charter certain privileges were granted to "Second Colony" which was composed of citizens of Plymouth, England, and is therefore referred to historically as the "Plymouth Company." To this company the charter granted the land lying between the thirty-eighth and forty-fifth parallels. It will be seen that the three degrees of territory between the thirty-eighth and forty-first parallels were embraced in both charters, but conflict of jurisdiction was avoided by providing that neither colony should

establish a settlement within one hundred miles of any actual occupancy of the other.

The first charter was exceedingly liberal in its grants. The conditions were loyalty to the Crown and rent. The latter was one-fifth of the net produce of gold and silver and one-fifteenth of copper. The right to coin money was granted to the colonists. The chief council in England was appointed by the king, and it had authority over both colonies.

Under date of May 23, 1609, King James I., at the request of the former corporation, granted a second charter to the London Company under the title of "The Treasurer and Company of Adventurers and Planters of the City of London for the First Colony in Virginia." This corporation was composed of many of the wealthiest and most influential of the nobility and gentry. And besides these there were many of the army and bar. In this way the best blood of England was directed to its Virginia Colony. The territorial limits of the charter, according to its sixth section, were extended to embrace the whole sea coast, north and south, within two hundred miles of Old Point Comfort, extending "from sea to sea, west and north-west" and also "all the islands within one hundred miles along the coast of both seas of precinct aforesaid," evidently meaning the Atlantic and Pacific Oceans. This charter transferred to the company acting under it the powers which in the first charter were reserved by the king. The Supreme Council in England was to be chosen by the stockholders and was independent of the king. This was the beginning of popular and constitutional government in the Western Hemisphere, and it was through this second charter that civil liberty was given the first legal foothold in America.

The third charter of Virginia granted by King James I. March 12, 1612, annexed to Virginia all the islands within three hundred leagues of the coast, by which the Bermudas were acquired. The company was further empowered to hold meetings, in other words, a general assembly for the business of the colony was created.

Upon these three charters of Virginia rested the title of the State of Virginia and her territory at the time of her adoption of the Constitution of the United States, June 26, 1788. She

became thereby the successor to the Crown and colony in the ownership of the unappropriated and vacant lands within her limits, and to all the land rights of the Crown. As to the rights or title of the Crown which Virginia received through her three charters, Chief Justice Marshall has, in the case of Johnson vs. McIntosh, settled its legal status. In this case, speaking of the title of the Crown and its subsequent transmisssion to the states he said:

"On the discovery of this immense continent, the great nations of Europe * * * were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements, and consequent war with each other, to establish a principle, which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was, that discovery gave title to the Government by whose subjects, or by whose authority, it was made, against all other European Governments, which title might be consummated by possession.

"In the establishment of these relations the rights of the original inhabitants were in no instance entirely disregarded, but were necessarily to a considerable extent impaired. They were admitted to be the rightful occupants of the soil, with a legal as well as a just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were nearly diminished and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle that discovery gave exclusive title to those who made it.

"By the treaty which concluded the war of our Revolution Great Britain relinquished all claim, not only to the government, but to the 'proprietary and territorial rights of the United States,' whose boundaries were fixed in the second article. By this treaty the powers of government, and the right to soil, which had previously been in Great Britain, passed definitely to these States. * * * It has never been doubted that either the United States, or the several States, had a clear title to all the lands within the boundary lines described in the treaty, subject

only to the Indian right of occupancy, and that the exclusive power to extinguish that right was vested in that government which might constitutionally exercise it.

" * * * The United States, then, have unequivocally acceded to the great and broad rule by which its civilized inhabitants now hold this country. They hold and assert in themselves the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest, and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise.

"The power now possessed by the Government of the United States to grant lands, resided, while we were colonies, in the Crown of its grantees. The validity of the titles given by either has never been questioned in our courts. It has been exercised uniformly over territory in possession of the Indians. The existence of this power must negative the existence of any right which may conflict with or control it. An absolute title to lands cannot exist at the same time in different persons or in different governments. An absolute must be an exclusive title, or at least a title which excludes all others not compatible with it. All our institutions recognize the absolute title of the Crown, subject only to the Indian right of occupancy, and recognize the absolute title of the Crown to extinguish that right. This is incompatible with an absolute and complete title in the Indians. * * * However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear, if the principle has been asserted in the first instance and afterward sustained; if a country has been acquired and held under it, if property of the great mass originates in it, it becomes the law of the land and cannot be questioned. So, too, with respect to the concomitant principle that the Indian inhabitants are to be considered merely as occupants, to be protected, indeed, while in peace, in the possession of their lands, but to be deemed incapable of transferring the absolute title to others. However this restriction may be opposed to natural rights and to the usages of civilized nations, yet, if it be indis-

pensable to that system under which the country has been settled, and be adapted to the actual condition of the two people, it may, perhaps, be supported by reason, and certainly cannot be rejected by courts of justice."

One of the most difficult of the many public questions before the Congress of the Confederation was the possesssion of the public lands which Virginia and other states owned. It was manifest that these undivided states could not retain possession and ownership of these vast public estates. The patriotism of Virginia was not wanting in this emergency. On the 20th of December, 1783, her legislature passed an act authorizing the Virginia delegates in Congress to convey to the United States all the rights of that commonwealth to the territory northwest of the Ohio River. By virtue of this authority, the deed of cession of Virginia to the United States of her enormous possessions north of the Ohio River which she had inherited from the Crown of England, was executed in Congress March 1, 1784. The lands she ceded lie now in the States of Ohio, Indiana, Illinois, Michigan and Wisconsin.

Thus by the Virginia cession the land now known as Ohio was in 1784 an expanse of unsettled and unorganized territory.

The State of Connecticut had also certain claims upon lands within what is now Ohio. This claim was founded upon the ambiguous and indefinite language of the original charter. Nevertheless, Connecticut continued to claim the land west of New York as within the limits of this charter. On the second Thursday in May, 1786, the Governor, Council and representatives in General Court of Connecticut, authorized their delegates in Congress to execute a deed of cession on behalf of Connecticut to all the land claimed by that State lying within what is now Ohio, excepting therefrom what was commonly called the Western Reserve of Connecticut. Accordingly September 13, 1786, the State of Connecticut executed her deed of cession to the United States, reserving, however, to her own jurisdiction the Western Reserve. This she deeded to the United States by Jonathan Trumbull, Governor, May 30, 1800.

Thus the land lying within Ohio became the property of the United States, a part of her public domain unclaimed by any

other authority or state. The pathway was now clear for progress, settlement and civilization.

The ordinance of 1787 — "the most notable law ever enacted by representatives of the American people" — became a law July 13th. It provided for the organization of a government for the territory northwest of the Ohio River.

For the government of the new territory Congress in October, 1787, appointed the following officers: Governor, General Arthur St. Clair; Secretary, Winthrop Sargent; Judges, Samuel Holden Parsons, James Mitchell Varnum and John Armstrong. The latter declined to serve and John Cleves Symmes was appointed to fill the vacancy.

The territory of the Northwest was divided into two governments by an act of Congress approved May 7, 1800. By this act the dividing line was drawn from the mouth of the Kentucky River to Fort Recovery and from thence northward to the territorial line. The portion west of this line was by that act erected into Indiana Territory. The eastern part was still known as the Territory Northwest of the Ohio River, and constituted the area afterward organized into the State of Ohio. This modification of boundary and division of the territory was afterward (December 21, 1801) assented to by the territorial legislature. The census of the territory showing 60,000 inhabitants, according to the ordinance of 1787, it was ripe for statehood. On March 4, 1802, there was submitted to the House of Representatives an extensive report on the application of sundry citizens in the Territory of the Northwest asking for admission to the Union. The report was favorable to statehood, and accordingly Congress, on April 30, 1802, passed an enabling act "to enable the people of the eastern division of the territory northwest of the River Ohio to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes." This act provided that the new state should be constructed out of territory bounded on the east by Pennslyvania, south by the Ohio River, west by the meridian of the mouth of the Great Miami River, and north by the international bound-

ary line, and a line from thence east and west to the extreme southern point of Lake Michigan.

The first constitutional convention of Ohio was begun and held at the town of Chillicothe, Ross county, on November 1, 1802. The convention adjourned November 29, 1802. The constitution there framed was never submitted to the people of Ohio, but was adopted by the convention and went into effect at once.

On December 4, 1802, Edward Tiffin, the president of the late convention, addressed a note to the speaker of the House of Representatives of the United States, enclosing an address to the President and both houses of Congress of the United States, announcing that the constitutional convention had taken the necessary measures to enable the people of the Northwest Territory to merge from their colonial government and assume a rank among the sister states.

The question of the public lands within the State of Ohio was an important one and was much discussed in Congress. The chairman of the committee to whom was referred the constitution submitted by the State of Ohio was the Hon. John Randolph of Virginia. Albert Gallatin, Secretary of the Treasury, furnished a very elaborate report to Mr. Randolph concerning the public lands, their distribution and value within the State of Ohio. And on February 2, 1803, Hon. John Randolph, chairman of the committee referred to, communicated to the House of Representatives an elaborate report on the admission of Ohio to the Union, suggesting several conditions as well as modifications relating to the control of the public lands within the state.

On the 19th of February, 1803, Congress passed the act recognizing the State of Ohio and providing for the due execution of the laws of the United States within her borders.

# MAP

of the state of

# OHIO

by

Rufus Putnam

Surveyor General of the United States.

January 1804

Scale of 40 miles to an inch

10 20 40

PUBLISHED BY
THE OHIO STATE ARCHÆOLOGICAL AND HISTORICAL SOCIETY

THE COLUMBUS LITHO CO

Lands ceded to the United States by the Indian Tribes 1795

Towns

Indian Villages

B. The river Cuyahoga, Tuscarawas Branch, the Indian boundary lines, the Ohio River with the rivers and smaller streams running into the Ohio from the North & west as far as the Indian boundary with the subdividing lines and shores agreable to actual survey except the Ohio from the Scioto river to the little Miami, and the Virginia reservation, those with the Indian land Cession &c are taken from Hutchins's Map corrected by the latest observations.

Longitude from London

# OHIO
# Archæological and Historical
## PUBLICATIONS.

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## FROM CHARTER TO CONSTITUTION:

BEING A COLLECTION OF PUBLIC DOCUMENTS PERTAINING TO THE TERRITORY OF THE NORTHWEST AND THE STATE OF OHIO, FROM THE CHARTERS OF JAMES I, TO AND INCLUDING THE FIRST CONSTITUTION OF OHIO, AND THE STATE PAPERS RELATING TO ITS ADMISSION TO THE UNION, SHOWING THEREBY THE HISTORICAL CHAIN OF TITLE OF SAID STATE FROM 1606 TO 1803.

BY DANIEL J. RYAN.

### THE FIRST CHARTER OF VIRGINIA.

TO SIR THOMAS GATES, SIR GEORGE SOMERS AND OTHERS, FOR TWO SEVERAL COLONIES AND PLANTATIONS, TO BE MADE IN VIRGINIA, AND OTHER PARTS AND TERRITORIES OF AMERICA.

(DATED APRIL 10, 1606. 4 JAMES 1ST.)

1. James, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc. *Whereas*, our loving and well-disposed subjects, Sir Thomas Gates, and Sir George Somers, Knights, Richard Hackluit, Clerk, Prebendary of Westminster, and Edward-Maria Wingfield, Thomas Hanham, and Ralegh Gilbert, Esqrs., William Parker, and George Popham, gentlemen, and divers others of our loving subjects, have been humble suitors unto us, that we would vouchsafe unto them our license, to make habitation, plantation, and to deduce a colony of sundry of our people into that part of America, commonly

called Virginia, and other parts and territories in America, either appertaining unto us, or which are not now actually possessed by any christian prince or people, situate, lying and being all along the sea coasts, between four and thirty degrees of Northerly latitude from the Equinoctial line, and five and forty degrees of the same latitude, and in the main land between the same four and thirty and five and forty degrees, and the islands thereunto adjacent, or within one hundred miles of the coasts thereof.

2. And to that end, and for the more speedy accomplishment of their said intended plantation and habitation there, are desirous to divide themselves into two several colonies and companies; the one consisting of certain knights, gentlemen, merchants, and other adventurers, of our city of London and elsewhere, which are and from time to time shall be, joined unto them, which do desire to begin their plantation and habitation in some fit and convenient place, between four and thirty and one and forty degrees of the said latitude, alongst the coasts of Virginia and coast of America aforesaid; and the other consisting of sundry knights, gentlemen, merchants, and other adventurers, of our cities of Bristol and Exeter, and of our town of Plimouth, and of other places, which do join themselves unto the colony, which do desire to begin their plantation and habitation in some fit and convenient place, between eight and thirty degrees and five and forty degrees of the said latitude, all alongst the said coasts of Virginia and America, as that coast lyeth.

3. We, greatly commending, and graciously accepting of, their desires for the furtherance of so noble a work, which may, by the providence of Almighty God, hereafter tend to the glory of his divine Majesty, in propagating of Christian religion to such people, as yet live in darkness and miserable ignorance of the true knowledge and worship of God, and may in time bring the infidels and savages, living in those parts, to human civility, and to a settled and quiet government; Do by these our letters patents, graciously accept of, and agree to, their humble and well intended desires;

4. And do therefore, for us, our heirs, and successors, grant and agree, that the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, adventurers of and for our city of London, and all such others, as are, or shall be joined unto them of that colony, shall be called the first colony; and they shall and may begin their said first plantation and habitation, at any place upon the said coast of Virginia or America, where they shall think fit and convenient, between the said four and thirty and one and forty degrees of the said latitude; and that they shall have all the lands, woods, soil, grounds, havens, ports, rivers, mines, minerals, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the said first seat of their plantation and habitation by the space of fifty miles of English statute measure, all along the said coast of Virginia and America, towards the west and south-west, as the coast lyeth, with all the islands within one hundred miles directly over against the same sea coast; and also all the lands, soil, grounds, havens, ports, rivers, mines, minerals, woods, waters, marshes, fishings, commodities, and hereditaments, whatsoever, from the said place of their first plantation and habitation for the space of fifty like English miles, all alongst the said coast of Virginia and America, towards the east and north-east, or towards the north, as the coast lyeth, together with all the islands within one hundred miles, directly over against the said sea coast; and also all the lands, woods, soil, grounds, havens, ports, rivers, mines, minerals, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the same fifty miles every way on the sea coast, directly into the main land by the space of one hundred like English miles; and shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better safeguard and defence, according to their best discretion, and the discretion of the council of that colony; and that no other of our subjects shall be permitted, or suffered to plant or inhabit behind, or on the backside of them, towards the main

land, without the express license or consent of the council of that colony, thereunto in writing first had and obtained.

5. And we do likewise, for us, our heirs, and successors, by these presents, grant and agree, that the said Thomas Hanham, and Ralegh Gilbert, William Parker, and George Popham, and all others of the town of Plimouth in the county of Devon, or elsewhere, which are, or shall be, joined unto them of that colony, shall be called the second colony; and that they shall and may begin their said Plantation and seat of their first abode and habitation, at any place upon the said coast of Virginia and America, where they shall think fit and convenient, between eight and thirty degrees of the said latitude, and five and forty degrees of the same latitude; and that they shall have all the lands, soils, grounds, havens, ports, rivers, mines, minerals, woods, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the first seat of their plantation and habitation by the space of fifty like English miles, as is aforesaid, all alongst the said coast of Virginia and America, towards the west and south-west, or towards the south, as the coast lyeth, and all the Islands within one hundred miles, directly over against the said sea coast; and also all the lands, soils, grounds, havens, ports, rivers, mines, minerals, woods, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the said place of their first plantation and habitation for the space of fifty like miles, all alongst the said coast of Virginia and America, towards the east and north-east, or towards the north, as the coast lyeth, and all the Islands also within one hundred miles directly over against the same sea coast; and also all the lands, soils, grounds, havens, ports, rivers, woods, mines, minerals, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the same fifty miles every way on the sea coast, directly into the main land, by the space of one hundred like English miles; and shall and may inhabit and remain there; and shall and may also build and fortify within any the same for their better safeguard, according to their best discretion, and the discretion of the council of that

colony; and that none of our subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main land, without the express license of the council of that colony in writing thereunto first had and obtained.

6. Provided always, and our will and pleasure herein is, that the plantation and habitation of such of the said colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like English miles of the other of them, that first began to make their plantation, as aforesaid.

7. And we do also ordain, establish and agree, for us, our heirs, and successors, that each of the said colonies shall have a council, which shall govern and order all matters and causes, which shall arise, grow or happen, to or within the same several colonies, according to such laws, ordinances, and instructions, as shall be in that behalf, given and signed with our hand or sign manual, and pass under the privy seal of our realm of England; each of which councils shall consist of thirteen persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same instructions; and shall have a several seal, for all matters that shall pass or concern the same several councils; each of which seals shall have the king's arms engraven on the one side thereof, and his portraiture on the other; and that the seal for the council of the said first colony shall have engraven round about, on the one side, these words: *Sigillum Regis Magnae Britanniae, Franciae, et Hiberniae;* on the other side this inscription round about: *Pro Concilio primae Coloniae Virginiae.* And the seal for the council of the said second colony shall also have engraven, round about the one side thereof, the aforesaid words: *Sigillum Regis Magnae Britanniae, Franciae, et Hiberniae;* and on the other side: *Pro Concilio secundae Coloniae Virginiae;*

8. And that also there shall be a council established here in England, which shall, in like manner, consist of thirteen persons, to be, for that purpose, appointed by us, our heirs, and successors, which shall be called our Council of Virginia; and shall,

from time to time, have the superior managing and direction, only of and for all matters, that shall or may concern the government, as well of the said several colonies, as of and for any other part or place, within the aforesaid precincts of four and thirty and five and forty degrees, above mentioned; which council shall, in like manner, have a seal, for matters concerning the council or colonies, with the like arms and portraiture, as aforesaid, with this inscription, engraven round about on the one side: *Sigillum Regis Magnae Britanniae, Franciae, et Hiberniae;* and round about the other side: *Pro Concilio suo Virginiae.*

9. And moreover, we do grant and agree, for us, our heirs, and successors, that the said several councils, of and for the said several colonies, shall and lawfully may, by virtue hereof, from time to time, without any interruption of us, our heirs or successors, give and take order, to dig, mine, and search for all manner of mines of gold, silver, and copper, as well within any part of their said several colonies, as of the said main lands on the backside of the same colonies; and to have and enjoy the gold, silver, and copper, to be gotten thereof, to the use and behoof of the same colonies, and the plantations thereof; yielding therefore to us, our heirs and successors, the fifth part only of all the same gold and silver, and the fifteenth part of all the same copper, so to be gotten or had, as is aforesaid, without any other manner of profit or account, to be given or yielded to us, our heirs, or successors, for or in respect of the same:

10. And they shall, or lawfully may, establish and cause to be made a coin, to pass current there between the people of those several colonies, for the more ease of traffick and bargaining between and amongst them and the natives there, of such metal, and in such manner and form, as the said several councils there shall limit and appoint.

11. And we do likewise, for us, our heirs, and successors, by these presents, give full power and authority to the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Ralegh Gilbert, William

Parker, and George Popham, and to every of them, and to the said several companies, plantations, and colonies, that they, and every of them, shall and may at all and every time and times hereafter, have, take, and lead in the said voyage, and for and towards the said several plantations and colonies, and to travel thitherward, and to abide and inhabit there, in every the said colonies and plantations, such and so many of our subjects, as shall willingly accompany them, or any of them, in the said voyages and plantations; with sufficient shipping, and furniture of armour, weapons, ordnance, powder, victual, and all other things, necessary for the said plantations, and for their use and defence there; Provided always, That none of the said persons be such, as shall hereafter be specially restrained by us, our heirs, or successors.

12. Moreover, we do, by these presents, for us, our heirs, and successors, give and grant license unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, and to every of the said colonies, that they, and every of them, shall and may, from time to time, and at all times for ever hereafter, for their several defences, encounter, expulse, repel, and resist, as well by sea as by land, by all ways and means whatsoever, all and every such person and persons, as without the especial license of the said several colonies and plantations, shall attempt to inhabit within the said several precincts and limits of the said several colonies and plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the hurt, detriment, or annoyance, of the said several colonies or plantations:

13. Giving and granting, by these presents, unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield and their associates of the said first colony, and unto the said Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, and their associates of the said second colony, and to every of them, from time to time, and

at all times forever hereafter power and authority to take and surprise, by all ways and means whatsoever, all and every person and persons, with their ships, vessels, goods, and other furniture, which shall be found trafficking, into any harbour or harbours, creek or creeks, or place, within the limits or precincts of the said several colonies and plantations, not being of the same colony, until such time, as they, being of any realms or dominions under our obedience, shall pay, or agree to pay, to the hands of the treasurer of that colony, within whose limits and precincts they shall so traffick, two and a half upon every hundred, of any thing, so by them trafficked, bought, or sold; and being strangers, and not subjects under our obeysance, until they shall pay five upon every hundred, of such wares and merchandises, as they shall traffick, buy, or sell, within the precincts of the said several colonies, wherein they shall so traffick, buy, or sell, as aforesaid; which sums of money, or benefit, as aforesaid, for and during the space of one and twenty years, next ensuing the date hereof, shall be wholly emploied to the use, benefit, and behoof of the said several plantations, where such traffick shall be made; and after the said one and twenty years ended, the same shall be taken to the use of us, our heirs, and successors, by such officers and ministers, as by us, our heirs, and successors, shall be thereunto assigned or appointed.

14. And we do further, by these presents, for us, our heirs, and successors, give and grant unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, and to their associates of the said first colony and plantation, and to the said Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, and their associates of the said second colony and plantation, that they, and every of them, by their deputies, ministers, and factors, may transport the goods, chattels, armour, munition, and furniture, needful to be used by them, for their said apparel, food, defence, or otherwise in respect of the said plantations, out of our realms of England and Ireland, and all other our dominions, from time to time, for and

during the time of seven years, next ensuing the date hereof, for the better relief of the said several colonies and plantations without any custom, subsidy, or other duty, unto us, our heirs, or successors, to be yielded or paid for the same.

15. Also we do, for us, our heirs, and successors, declare, by these presents, that all and every the persons, being our subjects, which shall dwell and inhabit within every or any of the said several colonies and plantations, and every of their children, which shall happen to be born within any of the limits and precincts of the said several colonies and plantations shall have and enjoy all liberties, franchises, and immunities, within any of our other dominions, to all intents and purposes, as if they had been abiding and born, within this our realm of England, or any other of our said dominions.

16. Moreover, our gracious will and pleasure is, and we do, by these presents for us, our heirs, and successors, declare and set forth, that if any person or persons, which shall be of any of the said colonies and plantations, or any other, which shall traffick to the said colonies and plantations, or any of them, shall, at any time or times hereafter, transport any wares, merchandises, or commodities, out of any of our dominions, with a pretence to land, sell, or otherwise dispose of the same, within any of the limits and precincts of any of the said colonies and plantations, and yet nevertheless, being at sea, or after he hath landed the same within any of the said colonies and plantations, shall carry the same into any other foreign country, with a purpose there to sell or dispose of the same, without the licence of us, our heirs and successors, in that behalf first had and obtained; that then, all the goods and chattels of such person or persons, so offending and transporting, together with the said ship or vessel wherein such transportation was made, shall be forfeited to us, our heirs, and successors.

17. Provided always, and our will and pleasure is, and we do hereby declare to all Christian kings, princes, and states, that if any person or persons which shall hereafter be of any of

the said several colonies and plantations, or any other, by his, their or any of their license and appointment, shall at any time or times herafter, rob or spoil, by sea or land, or do any act of unjust and unlawful hostility, to any of the subjects of us, our heirs, or successors, or any the subjects of any king, prince, ruler, governor, or state, being then in league or amity with us, our heirs, or successors, and that upon such injury, or upon just complaint of such prince, ruler, governor, or state, or their subjects, we, our heirs, or successors, shall make open proclamation within any other ports of our realm of England, commodious for that purpose, that the person or persons, having committed any such robbery or spoil, shall, within the term to be limited by such proclamations, make full restitution or satisfaction of all such injuries done, so as the said princes, or others, so complaining, may hold themselves fully satisfied and contented; and that, if the said person or persons, having committed such robbery or spoil, shall not make, or cause to be made, satisfaction accordingly, within such time so to be limited, that then it shall be lawful to us, our heirs, and successors, to put the said person or persons, having committed such robbery or spoil, and their procurers, abetters, or comforters, out of our allegience and protection; and that it shall be lawful and free for all princes and others, to pursue with hostility the said offenders, and every of them, and their and every of their procurers, aiders, abetters, and comforters, in that behalf.

18. And finally, we do, for us, our heirs, and successors, grant and agree, to and with the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, and all others of the said first colony, that we, our heirs, and successors, upon petition in that behalf to be made, shall, by letters, patent under the great seal of England, give and grant unto such persons, their heirs, and assigns, as the council of the colony, or the most part of them, shall, for that purpose nominate and assign, all the lands, tenements, and hereditaments, which shall be within the precincts limited for that colony, as is

aforesaid, to be holden of us, our heirs, and successors, as of our manor of East-Greenwich in the county of Kent, in free and common soccage only, and not in capite:

19. And do, in like manner, grant and agree, for us, our heirs, and successors, to and with the said Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, and all others of the said second colony, that we, our heirs, and successors, upon petition in that behalf to be made, shall, by letters patent under the great seal of England, give and grant unto such persons, their heirs and assigns, as the council of that colony, or the most part of them, shall, for that purpose, nominate and assign, all the lands, tenements, and hereditaments, which shall be within the precincts limited for that colony, as is aforesaid, to be holden of us, our heirs, and successors, as of our manor of East-Greenwich in the colony of Kent, in free and common soccage only, and not in capite.

20. All which lands, tenements, and hereditaments, so to be passed by the said several letters patent, shall be sufficient assurance from the said patentees, so distributed and divided amongst the undertakers for the plantation of the said several colonies, and such as shall make their plantations in either of the said several colonies, in such manner and form, and for such estates, as shall be ordered and set down by the council of the said colony, or the most part of them, respectively, within which the same lands, tenements, and hereditaments shall lye or be; although express mention of the true yearly value or certainty of the premises or any of them, or of any other gifts or grants, by us, or any of our progenitors or predecessors, to the aforesaid Sir Thomas Gates, knight, Sir George Somers, knight, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these presents, is not made; or any statute, act, ordinance, or provision, proclamation, or restraint, to the contrary hereof had, made, ordained, or any other thing, cause, or matter whatsoever, in any wise notwithstanding. In witness

whereof, we have caused these our letters to be made patents; witness ourself at Westminster, the tenth day of April, in the fourth year of the reign of England, France, and Ireland, and of Scotland the nine and thirtieth.

LUKIN.

Per breve de privato Sigillo.

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## THE SECOND CHARTER OF VIRGINIA

To the Treasurer and Company, for Virginia, Erecting them into a Corporation and Body Politic, and for the Further Enlargement and Explanation of the Privileges of the said Company and First Colony of Virginia.

(Dated May 23, 1609. 7 James 1st.)

1. James, by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, etc. To all, to whom these presents shall come, greeting. Whereas, at the humble suit and request of sundry our loving and well disposed subjects, intending to deduce a colony, and to make habitation and plantation of sundry our people, in that part of America, commonly called Virginia, and other parts and territories in America, either appertaining unto us, or which are not actually possessed of any christian prince or people, within certain bounds and regions. We have formerly by our letters-patents, bearing date the tenth day of April, in the fourth year of our reign of England, France, and Ireland, and of Scotland the nine and thirtieth, granted to Sir Thomas Gates, Sir George Somers, and others, for the more speedy accomplishment of the said plantation and habitation, that they should divide themselves into two Colonies (the one consisting of divers knights, gentlemen, merchants, and others, of

our city of London, called the first colony; and the other consisting of divers knights, gentlemen, and others, of our cities of Bristol, Exeter, and town of Plimouth, and other places, called the second colony) and have yielded and granted many and sundry privileges and liberties to each colony, for their quiet settling and good government therein, as by the said letters-patents more at large appeareth:

2. Now, forasmuch as divers and sundry of our loving subjects, as well adventurers, as planters, of the said first colony, which have already engaged themselves in furthering the business of the said colony and plantation, and do further intend, by the assistance of Almighty God, to prosecute the same to a happy end, have of late been humble suitors unto us, that (in respect of their great charges and the adventure of many of their lives, which they have hazarded in the said discovery and plantation of the said country) we would be pleased to grant them a further enlargement and explanation of the said grant, privileges, and liberties, and that such counsellors, and other officers, may be appointed amongst them, to manage and direct their affairs, as are willing and ready to adventure with them, as also whose dwellings are not so far remote from the city of London, but that they may, at convenient times, be ready at hand, to give their advice and assistance, upon all occasions requisite.

3. We, greatly affecting the effectual prosecution and happy success of the said plantation, and commending their good desires therein, for their further encouragement in accomplishing so excellent a work, much pleasing to God, and profitable to our kingdom, do, of our special grace and certain knowledge, and mere motion, for us, our heirs and successors, give, grant, and confirm, to our trusty and well beloved subjects, Robert, earl of Salisbury, Thomas, earl of Suffolk, Henry, earl of Southampton, William, earl of Pembroke, Henry, earl of Lincoln, earl of Dorset, Thomas, earl of Exeter, Philip, earl of Montgomery, Robert, Lord Viscount Lisle, Theophilus, Lord Howard of Walden, James Montague, Lord Bishop of Bath and Wells, Edward,

Lord Zouche, Thomas, Lord Lawarr, William, Lord Mounteagle, Ralph, Lord Ewre, Edmond, Lord Sheffield, Grey, Lord Chandois, Lord Compton, John, Lord Petre, John, Lord Stanhope, George, Lord Carew, Sir Humphrey Weld, Lord Mayor of London, George Percie, Esq., Sir Edward Cecil, Knt. Sir George Wharton, Knt. Francis, West, Esq. Sir William Wade, Knt. Sir Henry Nevil, Knt. Sir Thomas Smith, Knt. Sir Oliver Cromwell, Knt. Sir Peter Manwood, Knt. Sir Drue Drury, Knt. Sir John Scot, Knt. Sir Thomas Challoner, Knt. Sir Robert Drury, Knt. Sir Anthony Cope, Knt. Sir Horatio Vere, Knt. Sir Edward Conway, Knt. Sir William Brown, Knt. Sir Maurice Berkeley, Knt. Sir Robert Mansel, Knt. Sir Amias Preston, Knt. Sir Thomas Gates, Knt. Sir Anthony Ashly, Knt. Sir Michael Sandys, Knt. Sir Henry Carey, Knt. Sir Stephen Soame, Knt. Sir Calisthenes Brooke, Knt. Sir Edward Michelborn, Knt. Sir John Ratcliffe, Knt. Sir Charles Wilmot, Knt. Sir George Moor, Knt. Sir Hugh Wirral, Knt. Sir Thomas Dennis, Knt. Sir John Holles, Knt. Sir William Godolphin, Knt. Sir Thomas Monson, Knt. Sir Thomas Ridgwine, Knt. Sir John Brooke, Knt. Sir Robert Killigrew, Knt. Sir Henry Peyton, Knt. Sir Richard Williamson, Knt. Sir Ferdinando Weynman, Knt. Sir William St. John, Knt. Sir Thomas Holcroft, Knt. Sir John Mallory, Knt. Sir Roger Ashton, Knt. Sir Walter Cope, Knt. Sir Richard Wigmore, Knt. Sir William Coke, Knt. Sir Herbert Crofte, Knt. Sir Henry Fanshaw, Knt. Sir John Smith, Knt. Sir Francis Wolly, Knt. Sir Edward Waterhouse, Knt. Sir Henry Seekford, Knt. Sir Ewdin Sandys, Knt. Sir Thomas Waynam, Knt. Sir John Trevor, Knt. Sir Warwick Heele, Knt. Sir Robert Worth, Knt. Sir John Townsend, Knt. Sir Christopher Perkins, Knt. Sir Daniel Dun, Knt. Sir Henry Hobart, Knt. Sir Francis Bacon, Knt. Sir Henry Montague, Knt. Sir George Coppin, Knt. Sir Samuel Sandys, Knt. Sir Thomas Roe, Knt. Sir George Somers, Knt. Sir Thomas Freake, Knt. Sir Thomas Harwell, Knt. Sir Charles Kelke, Knt. Sir Baptist Hicks, Knt. Sir John Watts, Knt. Sir Robert Carey, Knt. Sir William Romney, Knt. Sir

Thomas Middleton, Knt. Sir Hatton Cheeke, Knt. Sir John Ogle, Knt. Sir Cavallero Meycot, Knt. Sir Stephen Riddlesdon, Knt. Sir Thomas Bludder, Knt. Sir Anthony Aucher, Knt. Sir Robert Johnson, Knt. Sir Thomas Panton, Knt. Sir Charles Morgan, Knt. Sir Stephen Pole, Knt. Sir John Burlacie, Knt. Sir Christopher Cleave, Knt. Sir George Hayward, Knt. Sir Thomas Davis, Knt. Sir Thomas Sutton, Knt. Sir Anthony Forrest, Knt. Sir Robert Payne, Knt. Sir John Digby, Knt. Sir Dudley Digges, Knt. Sir Rowland Cotton, Knt. Dr. Matthew Sutcliffe, Dr Meadows, Dr. Turner, Dr. Poe, Captain Pagnam, Captain Jeffrey Holcrofte, Captain Romney, Captain Henry Spry, Captain Shelton, Captain Sparks, Captain Thomas Wyat, Captain Brinsley, Captin William Courtney, Captain Herbert, Captain Clarke, Captain Dewhurst, Captain John Blundell, Captain Fryer, Captain Lewis Orwell, Captain Edward Loyd, Capt. Slingesby, Captain Hawley, Captain Orme, Captain Woodhouse, Captain Mason, Captain Thomas Holcroft, Captain John Coke, Captain Holles, Captain William Proude, Captain Henry Woodhouse, Captain Richard Lindesey, Captain Dexter, Captain William Winter, Captain Pearse, Captain John Bingham, Captain Burray, Captain Thomas Conway, Captain Rookwood, Captain William Lovelace, Captain John Ashley, Captain Thomas Wynne, Captain Thomas Mewtis, Captain Edward Harwood, Captain Michael Everard, Captain Comock, Captain Mills, Captain Pigot, Captain Edward-Maria Wingfield, Captain Christopher Newport, Captain John Sicklemore, alias Ratcliffe, Captain John Smith, Captain John Martin, Captain Peter Wynne, Captain Waldoe, Captain Thomas Wood, Captain Thomas Button, George Bolls, Esq. sheriff of London, William Crashaw, clerk, batchelor of divinity, William Seabright, Esq. Christopher Brooke, Esq. John Bingley, Esq. Thomas Watson, Esq. Richard Percival, Esq. John Moore, Esq. Hugh Brooker, Esq. David Woodhouse, Esq. Anthony Aucher, Esq. Robert Bowyer, Esq. Ralph Ewens, Esq. Zachary Jones, Esq. George Calvert, Esq. William Dobson, Esq. Henry Reynolds, Esq. Thomas Walker, Esq. Anthony Bar-

nars, Esq. Thomas Sandys, Esq. Henry Sandys, Esq. Richard Sandys, Esq. Son of Sir Edwin Sandys, William Oxenbridge, Esq. John Moore, Esq. Thomas Wilson, Esq. John Bullock, Esq. John Waller, Esq. Thomas Webb, Jehu Robinson, William Brewster, Robert Evelyn, Henry Danby, Richard Hackluit, Minister, John Eldred, Merchant, William Russel, Merchant, John Merrick, Merchant, Richard Banister, Merchant, Charles Anthony, Goldsmith, John Banks, William Evans, Richard Humble, Richard Chamberlayne, Merchant, Thomas Barber, Merchant, Richard Pomet, Merchant, John Fletcher, merchant, Thomas Nichols, merchant, John Stoke, merchant, Gabriel Archer, Francis Covel, William Bonham, Edward Harrison, John Wolstenholme, Nicholas Salter, Hugh Evans, William Barnes, Otho Mawdet, Richard Staper, merchant, John Elkin, merchant, William Coyse, Thomas Perkin, cooper, Humphry James, cooper, Henry Jackson, Robert Singleton, Christopher Nichols, John Harper, Abraham Chamberlayne, Thomas Shipton, Thomas Carpenter, Anthony Crew, George Holman, Robert Hill, Cleophas Smith, Ralph Harrison, John Farmer, James Brearley, William Crosby, Richard Cox, John Gearing, Richard Strongarm, ironmongers, Thomas Langton, Griffith Hinton, Richard Ironside, Richard Dean, Richard Turner, William Lawson, mercer, James Chatfield, Edw'd Allen Tedder, Robert Hilderbrand Sprinson, Arthur Mouse, John Gardiner, James Russel, Richard Caswell, Richard Evans, John Hawkins, Richard Kerril, Richard Brooke, Matthew Scrivener, gentleman, William Stallenge, gentleman, Arthur Venn, gentleman, Sandys Webbe, gentleman, Michael Phettiplace, gentleman, William Phettiplace, gentleman, Ambrose Prusey, gentleman, John Taverner, gentleman, George Pretty, gentleman, Peter Latham, gentleman, Thomas Montford, gentleman, William Cantrel, gentleman, Richard Wiffin, gentleman, Ralph Moreton, gentleman, John Cornelius, Martin Freeman, Ralph Freeman, Andrew Moore, Thomas White, Edward Perkin, Robert Offley, Thomas Whitley, George Pit, Robert Parkhurst, Thomas Morris, Peter Harloe, Jeffry Duppa, John Gilbert, Wil-

liam Hancock, Matthew Brown, Francis Tyrrel, Randal Carter, Othowell Smith, Thomas Hamond, Martin Bond, haberdasher, John Moulsoe, Robert Johnson, William Young, John Woodal, William Felgate, Humfrey Westwood, Richard Champion, Henry Robinson, Francis Mapes, William Sambach, Relegh Crashaw, Daniel Tucker, Thomas Grave, Hugh Willeston, Thomas Culpepper, of Wigsel, Esq. John Culpepper, gentleman, Henry Lee, Josias Kirton, gentleman, John Pory, gentleman, Henry Collins, George Burton, William Atkinson, Thomas Forest, John Russel, John Holt, Harman Harrison, Gabriel Beedel, John Beedel, Henry Dawkes, George Scot, Edward Fleetwood, gentleman, Richard Rogers, gentleman, Arthur Robinson, Robert Robinson, John Huntley, John Gray, William Payne, William Field, William Wattey, William Webster, John Dingley, Thomas Draper, Richard Glanvil, Arnold Hulls, Henry Roe, William Moore, Nicholas Gryce, James Monger, Nicholas Andrews, Jeremy Haydon, Ironmonger. Philip Durette, John Quarles, John West, Matthew Springham, John Johnson, Christopher Hore, Thomas Snead, George Berkely, Arthur Pet, Thomas Careles, William Berkely, Thomas Johnson, Alexander Bents, Captain William King, George Sandys, gentleman, James White, gentleman, Edmond Wynne, Charles Towler, Richard Reynold, Edward Webb, Richard Maplesden, Thomas Lever, David Bourne, Thomas Wood, Ralph Hamer, Edward Barnes, mercer, John Wright, mercer, Robert Middleton, Edward Littlefield, Katharine West, Thomas Web, Ralph King, Robert Koppin, James Askew, Christopher Holt, William Bardwell, Alexander Chiles, Lewis Tate, Edward Ditchfield, James Swifte, Richard Widdowes, goldsmith, Edmond Brudenell, Edward Burwell, John Hansford, Edward Wooller, William Palmer, haberdasher, John Badger, John Hodgson, Peter Mounsel, John Carril, John Bushridge, William Dun, Thomas Johnson, Nicholas Benson, Thomas Shipton, Nathaniel Wade, Randal Wetwood, Matthew Dequester, Charles Hawkins, Hugh Hamersley, Abraham Cartwright, George Bennet, William Cater, Richard Goddart, Henry Cromwell, Phineas

Pet, Robert Cooper, John Cooper, Henry Newce, Edward Wilkes, Robert Bateman, Nicholas Farrar, John Newhouse, John Cason, Thomas Harris, gentleman, George Etheridge, gentleman, Thomas Mayle, gentleman, Richard Stafford, Thomas ————, Richard Cooper, John Westrow, Edward Welch, Thomas Britain, Thomas Knowles, Octavian Thorne, Edmond Smith, John March, Edward Carew, Thomas Pleydall, Richard Let, Miles Palmer, Henry Price, John Joshua, gentleman, William Clauday, Jeremy Pearsye, John Bree, gentleman, William Hampson, Christopher Pickford, Thomas Hunt, Thomas Truston, Christopher Salmon, John Howard, clerk, Richard Partridge, Allen Cassen, Felix Wilson, Thomas Bathurst, George Wilmer, Andrew Wilmer, Maurice Lewellin, Thomas Godwin, Peter Burgoyne, Thomas Burgoyne, Robert Burgoyne, Robert Smith, merchant-taylor, Edward Cage, grocer, Thomas Cannon, gentleman, William Welby, stationer, Clement Wilmer, gentleman, John Clapham, gentleman, Giles Francis, gentleman, George Walker, sadler, John Swinhow, stationer, Edward Bishop, stationer, Leonard White, gentleman, Christopher Baron, Peter Benson, Richard Smith, George Proctor, minister, Millicent Ramsden, widow, Joseph Soane, Thomas Hinshaw, John Baker, Robert Thornton, John Davis, Edward Facit, George Newce, gentleman, John Robinson, Captain Thomas Wood, William Brown, shoemaker, Robert Barker, shoemaker, Robert Pennington, Francis Burley, minister, William Quick, grocer, Edward Lewis, grocer, Laurence Campe, draper, Aden Perkins, grocer, Richard Shepherd, preacher, William Sherley, haberdasher, William Taylor, haberdasher, Edwin Lukin, gentleman, John Franklyn, haberdasher, John Southwick, Peter Peate, George Joban, Ironmonger, George Yeardley, gentleman, Henry Shelley, John Prat, Thomas Church, draper, William Powel, gentleman, Richard Frith, gentleman, Thomas Wheeler, draper, Francis Haselrig, gentleman, Hugh Shipley, gentleman, John Andrews, the elder, doctor of Cambridge, Francis Whistler, gentleman, John Vassal, gentleman, Richard Howle, Edward Berkely, gentleman, Richard Keneridgburg, gentleman,

Nicholas Exton, draper, William Bennet, fishmonger, James Haywood, merchant, Nicholas Isaac, merchant, William Gibbs, merchant, Bishop, Bernard Mitchel, Isaac Mitchel, John Streate, Edward Gall, John Martin, gentleman, Thomas Fox, Luke Lodge, John Woodliffe, gentleman, Richard Webb, Vincent Low, Samuel Burnham, Edmund Pears, haberdasher, John George, John St. John, Edward Vaughan, William Dunn, Thomas Alcocke, John Andrews the younger, of Cambridge, Samuel Smith, Thomas Gerrard, Thomas Whittingham, William Canning, Paul Canning, George Chandler, Henry Vincent, Thomas Ketley, James Skelton, James Mountaine, George Webb, gentleman, Joseph Newbridge, Smith, Josiah Mand, Captain Ralph Hamer, the younger, Edward Brewster, the son of William Brewster, Leonard Harwood, Mercer, Philip Druerdent, William Carpenter, Tristian Hill, Robert Cock, Grocer, Laurence Grecie, Grocer, Samuel Winch, grocer, Humphrey Stile, grocer, Avern Dransfield, grocer, Edward Hodges, grocer, Edward Beale, grocer, Thomas Culler, grocer, Ralph Busby, grocer, John Whittingham, grocer, John Hide, grocer, Matthew Shepherd, grocer, Thomas Allen, grocer, Richard Hooker, grocer, Lawrence Munks, grocer, John Tanner, grocer, Peter Gate, grocer, John Blunt, grocer, Robert Phips, grocer, Robert Berrisford, grocer, Thomas Wells, grocer, John Ellis, grocer, Henry Colthurst, grocer, John Cavady, grocer, Thomas Jennings, grocer, Edmond Pashall, grocer, Timothy Bathurst, grocer, Giles Parslow, grocer, Robert Milmay, grocer, Richard Johnson, grocer, William Johnson, vintner, Ezekiel Smith, Richard Martin, William Sharp, Robert Rich, William Stannard, innholder, John Stocken, William Strachey, gentleman, George Farmer, gentleman, Thomas Gypes, clothworker, Abraham Davies, gentleman, Thomas Brockett, gentleman, George Bache, fishmonger, John Dike, fishmonger, Henry Spranger, Richard Farrington, Christopher Vertue, vintner, Thomas Bayley, vintner, George Robins, vintner, Tobias Hinson, grocer, Vrian Spencer, Clement Chickeley, John Scarpe, gentleman, James Campbell, ironmonger, Christopher Clitheroe, ironmonger,

Philip Jacobson, Peter Jacobson, of Antwerp, William Berkeley, Miles Banks, cutler, Peter Higgons, grocer, Henry John, gentleman, John Stockley, merchant-taylor, the company of mercers, the company of grocers, the company of drapers, the company of fishmongers, the company of goldsmiths, the company of skinners, the company of merchant-taylors, the company of haberdashers, the company of salters, the company of ironmongers, the company of vintners, the company of clothworkers, the company of dyers, the company of brewers, the company of leathersellers, the company of pewterers, the company of cutlers, the company of white-bakers, the company of wax-chandlers, the company of tallow-chandlers, the company of armorers, the company of girdlers, the company of butchers, the company of sadlers, the company of carpenters, the company of cordwaynes, the company of barber-chirurgeons, the company of paint-stainers, the company of curriers, the company of masons, the company of plumbers, the company innholders, the company of founders, the company of poulterers, the company of cooks, the company of coopers, the company of tylers and bricklayers, the company of bowyers, the company of Fletchers, the company of blacksmiths, the company of joiners, the company of weavers, the company of woolmen, the company of woodmongers, the company of scriveners, the company of fruiterers, the company of plaisterers, the company of Brownbakers, the company of stationers, the company of imbroiderers, the company of upholders, the company of musicians, the company of turners, the company of gardiners, the company of basket-makers, the company of glaziers, John Levet, merchant, Thomas Nornicot, clothworker, Richard Venn, haberdasher, Thomas Scot, gentleman, Thomas Buxon, merchant-taylor, George Hankinson, Thomas Seyer, gentleman, Matthew Cooper, George Butler, gentleman, Thomas Lawson, gentleman, Edward Smith, haberdasher, Steven Sparrow, John Jones, merchant, —— Reynolds, brewer, Thomas Plummer, merchant, James Duppa, brewer, Rowland Coitmore, William Southerne, George Whitmore, haberdasher, Anthony Gosnold, the younger, John Allen,

fishmonger, Simon Yeomans, fishmonger, Lancelot Davis, gentleman, John Hopkins, alderman of Bristol, John Kettleby, gentleman, Richard Clene, goldsmith, George Hooker, gentleman, Robert Chening, yeoman; and to such and so many, as they do, or shall hereafter admit to be joined with them, in form hereafter in these presents expressed, whether they go in their persons to be planters there in the said plantation, or whether they go not, but adventure their monies, goods, or chattles; That they shall be one body or commonalty perpetual, and shall have perpetual succession, and one common seal, to serve for the said body or commonalty; and that they, and their successors, shall be known, called, and incorporated by the name of, The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia:

4. And that they and their successors, shall be, from henceforth, forever enabled to take, acquire and purchase, by the name aforesaid (licence for the same, from us, our heirs or successors, first had and obtained) any manner of lands, tenements, and hereditaments, good and chattels, within our realm of England, and dominion of Wales:

5. And that they and their successors, shall likewise be enabled, by the name aforesaid, to plead and be impleaded, before any of our judges or justices, in any of our courts, and in any actions or suits whatsoever.

6. And we do also of our special grace, certain knowledge and mere motion, give, grant and confirm, unto the said treasurer and company, and their successors, under the reservations, limitations, and declarations, hereafter expressed, all those lands, countries, and territories, situate, lying, and being, in that part of America called Virginia, from the point of land called Cape or Point Comfort, all along the sea coast, to the northward two hundred miles, and from the said point of Cape Comfort, all along the sea coast to the southward two hundred miles, and all that space and circuit of land, lying from the sea coast of the precinct aforesaid, up into the land, throughout from sea to sea,

west and northwest; and also all the islands, lying within one hundred miles, along the coast of both seas of the precinct aforesaid; together with all the soils, grounds, havens, and ports, mines, as well royal mines of gold and silver, as other minerals, pearls and precious stones, quarries, woods, rivers, waters, fishings, commodities, jurisdictions, royalties, privileges, franchises and preheminences, within the said territories, and the precincts thereof, whatsoever, and thereto and thereabouts, both by sea and land, being or in any sort belonging or appertaining, and which we, by our letters patents, may or can grant, in as ample manner and sort, as we or any of our noble progenitors, have heretofore granted to any company, body politick or corporate, or to any adventurer or adventurers, undertaker or undertakers, of any discoveries, Plantations, or traffick, of, in or into any foreign parts whatsoever, and in as large and ample manner, as if the same were herein particularly mentioned and expressed; to have and to hold, possess and enjoy, all and singular the said lands, countries and territories, with all and singular other the premises, heretofore by these presents granted, or mentioned to be granted, to them, the said treasurer and company, their successors and assigns for ever; to the sole and proper use of them, the said treasurer and company, their successors and assigns for ever; to be holden of us, our heirs, and successors, as of our manour of East Greenwich, in free and common soccage, and not in capite; yielding and paying, therefore, to us, our heirs, and successors, the fifth part only of all ore of gold and silver, that from time to time, and at all times hereafter, shall be there gotten, had, or obtained for all manner of services.

7. And nevertheless, our will and pleasure is, and we do, by these presents, charge, command, warrant, and authorize, that the said treasurer and company, or their successors, or the major part of them, which shall be present and assembled for that purpose, shall, from time to time, under their common seal, distribute, convey, assign, and set over, such particular portions of

lands, tenements and hereditaments, by these presents formerly granted, unto such our loving subjects, naturally born, or denizens, or others, as well adventurers as planters, as by the said company (upon a commission of survey and distribution, executed and returned for that purpose,) shall be nominated, appointed, and allowed; wherein our will and pleasure is, that respect be had, as well of the proportion of the adventurer, as to the special service, hazard, exploit, or merit of any person so to be recompensed, advanced, or rewarded.

8. And forasmuch, as the good and prosperous success of the said plantation cannot but chiefly depend, next under the blessing of God, and the support of our royal authority, upon the provident and good direction of the whole enterprize, by a careful and understanding council, and that it is not convenient, that all the adventurers shall be so often drawn to meet and assemble, as shall be requisite for them to have meetings and conference about the affairs thereof; therefore we do ordain, establish and confirm, that there shall be perpetually one council here resident, according to the tenour of our former letters patents; which council shall have a seal, for the better government and administration of the said plantation, besides the legal seal of the company or corporation, as in our former letters patents is also expressed.

9. And further, we establish and ordain, that Henry, Earl of Southampton, William, Earl of Pembroke, Henry, Earl of Lincoln, Thomas, Earl of Exeter, Robert, Lord Viscount Lisle, Lord Theophilus Howard, James, Lord Bishop of Bath and Wells, Edward, Lord Zouche, Thomas, Lord Lawarr, William, Lord Monteagle, Edmund, Lord Sheffield, Grey, Lord Chandois, John, Lord Stanhope, George, Lord Carew, Sir Humfrey Weld, Lord Mayor of London, Sir Edward Cecil, Sir William Wade, Sir Henry Nevil, Sir Thomas Smith, Sir Oliver Cromwell, Sir Peter Manwood, Sir Thomas Challoner, Sir Henry Hobart, Sir Francis Bacon, Sir George Coppin, Sir John Scot, Sir Henry Carey, Sir Robert Drury, Sir Horatio Vere, Sir Edward Conway, Sir Maurice

Berkeley, Sir Thomas Gates, Sir Michael Sandys, Sir Robert Mansel, Sir John Trevor, Sir Amias Preston, Sir William Godolphin, Sir Walter Cope, Sir Robert Killigrew, Sir Henry Fanshaw, Sir Edwin Sandys, Sir John Watts, Sir Henry Montague, Sir William Romney, Sir Thomas Roe, Sir Baptist Hicks, Sir Richard Williamson, Sir Stephen Poole, Sir Dudley Digges, Christopher Brooke, Esq. John Eldred, and John Wolstenholme, shall be our Council for the said Company of Adventurers and Planters in Virginia.

10. And the said Thomas Smith we do ordain to be treasurer of the said company; which treasurer shall have authority to give order, for the warning of the council, and summoning the company, to their courts and meetings.

11. And the said council and treasurer, or any of them, shall be from henceforth, nominated, chosen, continued, displaced, changed, altered, and supplied, as death, or other several occasions, shall require, out of the company of the said adventurers, by the voice of the greater part of the said company and adventurers, in their assembly for that purpose: Provided always, that every counsellor, so newly elected, shall be presented to the lord chancellor of England, or to the lord high treasurer of England, or to the lord chamberlain of the household of us, our heirs, and successors, for the time being, to take his oath of a counsellor to us, our heirs and successors, for the said company of adventurers and colony in Virginia.

12. And we do by these presents, of our special grace, certain knowledge, and mere motion, for us, our heirs and successors, grant unto the said treasurer and company, and their successors, that if it happen, at any time or times, the treasurer for the time being to be sick, or to have any such cause of absence from the city of London, as shall be allowed by the said council, or the greater part of them, assembled, so as he cannot attend the affairs of that company, in every such case, it shall and may be lawful for such treasurer for the time being, to assign, constitute and appoint, one of the council or company, to be like-

wise allowed by the council, or the greater part of them, assembled, to be the deputy treasurer of the said company; which deputy shall have power to do and execute all things, which belong to the said treasurer, during such time, as such treasurer shall be either sick, or otherwise absent upon cause allowed of by the said council, or the major part of them, as aforesaid, so fully and wholly, and in as large and ample manner and form, to all intents and purposes, as the said treasurer, if he were present, himself might or could do and execute the same.

13. And further, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, we do, by these presents, give and grant full power and authority to our said council, here resident, as well at this present time, as hereafter from time to time, to nominate, make, constitute, ordain, and confirm, by such name or names, stile or stiles, as to them shall seem good, and likewise to revoke, discharge, change, and alter, as well all and singular governors, officers, and ministers, which already have been made, as also which hereafter shall be by them thought fit and needful to be made or used, for the government of the said colony and plantation;

14. And also to make, ordain, and establish all manner of orders, laws, directions, instructions, forms, and ceremonies of government and magistracy, fit and necessary, for and concerning the government of the said colony and plantation; and the same at all times hereafter, to abrogate, revoke, or change, not only within the precincts of the said colony, but also upon the seas in going and coming, to and from the said colony, as they, in their good discretion, shall think to be fittest for the good of the adventurers and inhabitants there.

15. And we do also declare, that, for divers reasons and considerations us thereunto especially moving, our will and pleasure is, and we do hereby ordain, that immediately from and after such time, as any such governor or principal officer, so to be nominated and appointed, by our said council, for the government of the said colony, as aforesaid, shall arrive in Virginia,

and give notice unto the colony there resident of our pleasure in this behalf, the government, power, and authority of the president and council, heretofore by our former letters patents there established, and all laws and constitutions, by them formerly made, shall utterly cease and be determined, and all officers, governors, and ministers, formerly constituted or appointed, shall be discharged, any thing, in our former letters patents concerning the said plantation contained, in any wise to the contrary notwithstanding; straightly charging and commanding the president and council, now resident in the said colony, upon their allegiance, after knowledge given unto them of our will and pleasure, by these presents signified and declared, that they forthwith be obedient to such governor or governors, as by our said council, here resident, shall be named and appointed, as aforesaid, and to all directions, orders and commandments, which they shall receive from them, as well in the present resigning and giving up of their authority, offices, charge and places, as in all other attendance, as shall be by them, from time to time, required.

16. And we do further, by these presents, ordain and establish, that the said treasurer and council here resident, and their successors, or any four of them, being assembled (the treasurer being one) shall, from time to time, have full power and authority, to admit and receive any other person into their company, corporation and freedom; and further, in a general assembly of the adventurers, with the consent of the greater part, upon good cause, to disfranchise and put out any person or persons, out of the said freedom and company.

17. And we do also grant and confirm, for us, our heirs and successors, that it shall be lawful for the said treasurer and company, and their successors, by direction of the governors there, to dig and to search for all manner of mines of gold, silver, copper, iron, lead, tin, and all sorts of minerals, as well within the precinct aforesaid, as within any part of the main land, not formerly granted to any other; and to have and enjoy the gold, silver, copper, iron, lead, and tin, and all other minerals to be gotten

thereby to the use and behoof of the said company of planters and adventurers; yielding thereof, and paying yearly, unto us, our heirs and successors, as aforesaid.

18. And we do further, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, grant, by these presents, to and with the said treasurer and company, and their successors, that it shall be lawful and free for them, and their assigns, at all and every time and times hereafter, out of our realm of England, and out of all other our dominions, to take and lead into the said voyages, and for and towards the said plantation, and to travel thitherwards, and to abide and inhabit there in the said colony and plantation, all such and so many of our loving subjects, or any other strangers, that will become our loving subjects and live under our obedience, as shall willingly accompany them in the said voyage and plantation; with sufficient shipping, armour, weapons, ordnance, munition, powder, shot, victuals, and such merchandizes or wares, as are esteemed by the wild people in those parts, clothing, implements, furniture, cattle, horses, and mares, and all other things, necessary for the said plantation, and for their use, and defence, and trade with the people there; and in passing and returning to and fro; without yielding or paying subsidy, custom, imposition, or any other tax or duty, to us, our heirs or successors, for the space of seven years from the date of these presents: Provided, that none of the said persons be such, as shall be hereafter, by especial name, restrained by us, our heirs, and successors.

19. And for their further encouragement, of our special grace and favor, we do, by these presents, for us, our heirs, and successors, yield and grant, to and with the said treasurer and company, and their successors, and every of them, their factors, and assigns, that they and every of them, shall be free of all subsidies and customs in Virginia, for the space of one and twenty years, and from all taxes and impositions, for ever, upon any goods or merchandises, at any time or times hereafter,

either upon importation thither, or exportation from thence, into our realms of England, or into any other of our realms or dominions, by the said treasurer and company, and their successors, their deputies, factors, or assigns, or any of them: Except only the five pounds per cent. due for custom, upon all such goods and merchandizes, as shall be brought or imported into our realm of England, or any other of these our dominions, according to the ancient trade of merchants; which five pounds per cent. only being paid, it shall be thenceforth lawful and free for the said adventurers, the same goods and merchandizes to export, and carry out of our said dominions, into foreign parts, without any custom, tax, or other duty, to be paid to us, our heirs, or successors, or to any other our officers or deputies: Provided, that the said goods and merchandizes be shipped out, within thirteen months, after the first landing within any part of those dominions.

20. And we do also grant and confirm to the said treasurer and company, and their successors, as also to all and every such governor, or other officers and ministers, as by our said council shall be appointed to have power, authority of government and command, in or over the said colony or plantation; that they, and every of them, shall and lawfully may, from time to time, and at all times for ever hereafter, for their several defence and safety, encounter, expulse, repel, and resist, by force and arms, as well by sea as by land, and all ways and means whatsoever, all and every such person and persons whatsoever, as (without the special licence of the said treasurer and company, and their successors) shall attempt to inhabit, within the said several precincts and limits of the said colony and plantation; and also, all and every such person and persons whatsoever, as shall enterprise or attempt, at any time hereafter, destruction, invasion, hurt, detriment, or annoyance, to the said colony and plantation, as is likewise specified in the said former grant.

21. And that it shall be lawful for the said treasurer and company, and their successors, and every of them, from time

to time, and at all times for ever hereafter, and they shall have full power and authority, to take and surprise, by all ways and means whatsoever, all and every person and persons whatsoever, with their ships, goods, and other furniture, trafficking in any harbor, creek, or place, within the limits or precincts of the said colony and plantation, not being allowed by the said company to be adventurers or planters of the said colony, until such time, as they, being of any realms and dominions under our obedience, shall pay, or agree to pay, to the hands of the treasurer or of some other officer, deputed by the said governor of Virginia (over and above such subsidy and custom, as the said company is, or hereafter shall be, to pay) five pounds per cent. upon all goods and merchandizes so brought in thither, and also five per cent. upon all goods by them shipped out from thence; and being strangers, and not under our obedience, until they have paid (over and above such subsidy and custom, as the said treasurer and company, or their successors, is, or hereafter shall be, to pay) ten pounds per cent. upon all such goods, likewise, carried in and out, any thing, in the said former letters patents, to the contrary notwithstanding; and the same sums of money and benefit, aforesaid, for and during the space of one and twenty years, shall be wholly employed to the benefit, use, and behoof of the said colony and plantation; and after the said one and twenty years ended, the same shall be taken to the use of us, our heirs, and successors, by such officers and ministers, as by us, our heirs, or successors, shall be thereunto assigned and appointed, as is specified in the said former letters patents.

22. Also, we do, for us, our heirs, and successors, declare, by these presents, that all and every the persons, being our subjects, which shall go and inhabit within the said colony and plantation, and every their children and posterity, which shall happen to be born within any of the limits thereof, shall have and enjoy all liberties, franchises, and immunities of free denizens and natural subjects, within any of our other dominions, to all intents and purposes, as if they had been abiding and born,

within this our realm of England, or in any other of our dominions.

23. And forasmuch, as it shall be necessary for all such our loving subjects, as shall inhabit within the said precincts of Virginia, aforesaid, to determine to live together, in the fear and true worship of Almighty God, Christian peace, and civil quietness, each with other, whereby every one may, with more safety, pleasure, and profit, enjoy that, whereunto they shall attain with great pain, and peril; we, for us, our heirs, and successors, are likewise pleased and contented, and by these presents, do give and grant unto the said treasurer and company, and their successors, and to such governors, officers, and ministers, as shall be, by our said council, constituted and appointed, according to the natures and limits of their offices and places respectively, that they shall and may, from time to time forever hereafter, within the said precincts, of Virginia, or in the way by sea thither and from thence, have full and absolute power and authority, to correct, punish, pardon, govern and rule, all such the subjects of us, our heirs and successors, as shall, from time to time, adventure themselves in any voyage thither, or that shall, at any time hereafter, inhabit in the precincts and territories of the said colony, as aforesaid, according to such orders, ordinances, constitutions, directions, and instructions, as by our said council, as aforesaid, shall be established; and in defect thereof, in case of necessity, according to the good discretions of the said governor and officers, respectively, as well in cases capital and criminal as civil, both marine and other; So always, as the said statutes, ordinances and proceedings, as near as conveniently may be, be agreeable to the laws, statutes, government, and policy of our realm of this England.

24. And we do further, of our special grace, certain knowledge, and mere motion, grant, declare and ordain, that such principal governor, as, from time to time, shall duly and lawfully be authorized and appointed, in manner and form in these presents heretofore expressed, shall have full power and authority, to use

and exercise martial law, in cases of rebelion or mutiny, in as large and ample manner, as our lieutenants in our counties, within this our realm of England, have or ought to have, by force of their commissioners of Lieutenantcy.

25. And furthermore, if any person or persons, adventurers or planters of the said colony, or any other, at any time or times hereafter, shall transport any monies, goods or merchandises, out of any of our kingdoms, with a pretence or purpose, to land, sell or otherwise dispose of the same, within the limits or bounds of the said colony, and yet nevertheless, being at sea, or after he hath landed within any part of the said colony, shall carry the same into any other foreign country, with a purpose there to sell and dispose thereof; that then all the goods and chattels of the said person, or persons, so offending and transported, together with the ship or vessel, wherein such transportation was made, shall be forfeited to us, our heirs and successors.

26. And further our will and pleasure is, that in all questions and doubts, that shall arise, upon any difficulty of construction or interpretation of any thing, contained either in this, or in our said former letters patents, the same shall be taken and interpreted, in most ample and beneficial manner for the said treasurer and company, and their successors, and every member thereof.

27. And further, we do, by these presents, ratify and confirm unto the said treasurer and company, and their successors, all the privileges, franchises, liberties, and immunities, granted in our said former letters patents, and not in these our letters patents revoked, altered, changed, or abridged.

28. And finally, our will and pleasure is, and we do further, hereby, for us, our heirs, and successors, grant and agree, to and with the said treasurer and company, and their successors, that all and singular person and persons, which shall, at any time or times hereafter, adventure any sum or sums of money, in and towards the said plantation of the said colony in Virginia, and shall be admitted by the said council and company, as adven-

turers of the said colony, in form aforesaid, and shall be enrolled in the book or records of the adventurers of the said company, shall and may be accounted, accepted, taken, held, and reputed, adventurers of the said colony, and shall and may enjoy all and singular grants, privileges, liberties, benefits, profits, commodities, and immunities, advantages, and emoluments, whatsoever, as fully, largely, amply, and absolutely, as if they, and every of them, had been precisely, plainly, singularly, and distinctly, named and inserted in these our letters patents.

29. And lastly, because the principal effect, which we can desire or expect of this action, is the conversion and reduction of the people in those parts unto the true worship of God and Christian religion, in which respect we should be loath, that any person should be permitted to pass, that we suspected to effect the superstitions of the church of Rome; we do hereby declare, that it is our will and pleasure, that none be permitted to pass in any voyage, from time to time to be made into the said country, but such, as first shall have taken the oath of supremacy; for which purpose, we do, by these presents, give full power and authority, to the treasurer for the time being, and any three of the council, to tender and exhibit the said oath, to all such persons, as shall, at any time, be sent and employed in the said voyage. Although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants, by us or any of our progenitors or predecessors, to the aforesaid treasurer and company heretofore made, in these presents is not made; or any act, statute, ordinance, provision, proclamation, or restraint, to the contrary hereof had, made, ordained, or provided, or any other thing, cause, or matter, whatsoever, in any wise notwithstanding. In witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the 23d day of May, in the seventh year of our reign of England, France, and Ireland, and of Scotland the * * * *

Per ipsum Regem.

LUKIN.

## THE THIRD CHARTER OF VIRGINIA

### To the Treasurer and Company, for Virginia.

(Dated March 12, 1611-2.)

1. James, by the grace of God, king of England, Scotland, France and Ireland, defender of the faith; to all to whom these presents shall come greeting, Whereas, at the humble suit of divers and sundry our loving subjects, as well adventurers as planters of the first colony in Virginia, and for the propagation of christian religion, and reclaiming of people barbarous to civility and humanity, we have, by our letters patents, bearing date, at Westminster, the three and twentieth day of May, in he seventh year of our reign of England, France, and Ireland, and the two and fortieth of Scotland, given and granted unto them, that they, and all such and so many of our loving subjects, as should from time to time for everafter, be joined with them, as planters or adventurers in the said plantation, and their successors, forever, should be one body politick, incorporated by the name of, The Treasurer and Company of Adventurers and Planters of the city of London for the first Colony in Virginia.

2. And whereas also, for the greater good and benefit of the said company, and for the better furtherance, strengthening, and establishing of the said plantation, we did further give, grant and confirm, by our said letters patents, unto the said treasurer, and company, and their successors, for ever, all those lands, countries, or territories, situate, lying, and being, in that part of America called Virginia, from the point of land, called Cape or Point Comfort, all along the sea coasts, to the northward, two hundred miles, and from the said point of Cape Comfort all along the sea coast, to the southward, two hundred miles, and all that space and circuit of land, lying from the sea coast of the precinct aforesaid, up or into the land, throughout from sea to sea, west

and northwest, and also all the islands, lying within one hundred miles, along the coast of both the seas of the precinct aforesaid, with divers other grants, liberties, franchises, and preheminences, privileges, profits, benefits, and commodities, granted, in and by our letters patents, to the said treasurer and company, and their successors, for ever:

3. Now, forasmuch as, we are given to understand, that in those seas, adjoining to the said coast of Virginia, and without the compass of those two hundred miles, by us so granted unto the said treasurer and company, as aforesaid, and yet not far distant from the said colony in Virginia, there are, or may be, divers islands, lying desolate and uninhabited, some of which are already made known and discovered, by the industry, travel, and expences of the said company, and others also are supposed to be and remain, as yet, unknown and undiscovered, all and every of which it may import the said colony, both in safety and policy of trade, to populate and plant, in regard whereof, as well for the preventing of peril, as for the better commodity and prosperity of the said colony, they have been humble suitors unto us, that we would be pleased to grant unto them an enlargement of our said former letters patents, as well for a more ample extent of their limits and territories into the seas, adjoining to and upon the coast of Virginia, as also for some other matters and articles, concerning the better government of the said company and colony, in which point our said former letters patents do not extend so far, as time and experience hath found to be needful and convenient:

4. We therefore, tendering the good and happy success of the said plantation, both in regard of the general weal of human society, as in respect of the good of our own estate and kingdoms, and being willing to give furtherance unto all good means, that may advance the benefit of the said company, and which may secure the safety of our loving subjects, planted in our said colony under the favour and protection of God Almighty, and of our royal power and authority, have therefore, of our especial grace,

certain knowledge, and mere motion, given, granted, and confirmed, and for us, our heirs and successors, we do, by these presents, give, grant, and confirm, to the said treasurer and company of adventurers and planters of the city of London for the first colony in Virginia, and to their heirs and successors, for ever, all and singular those Islands whatsoever, situate and being in any part of the ocean seas bordering upon the coast of our said first colony in Virginia, and being within three hundred leagues of any the parts heretofore granted to the said treasurer and company, in our said former letters patents, as aforesaid, and being within or between the one and fortieth and thirtieth degrees of northerly latitude, together with all and singular soils, lands, grounds, havens, ports, rivers, waters, fishings, mines, and minerals, as well royal mines of gold and silver, as other mines and minerals, pearls, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, and preheminences, both within the said tract of land upon the main, and also within the said Islands and seas adjoining, whatsoever, and thereunto or thereabouts, both by sea and land, being or situate; and which, by our letters patents, we may or can grant, and in as ample manner and sort, as we, or any our noble progenitors, have hertofore granted to any person or persons, or to any company, body politick or corporate, or to any adventurer or adventurers, undertaker or undertakers, of any discoveries, plantations, or traffick, of, in or into any foreign parts, whatsoever, and in as large and ample manner, as if the same were herein particularly named, mentioned, and expressed: Provided always, that the said Islands, or any the premises herein mentioned, or by these presents intended or meant to be granted, be not actually possessed or inhabited by any other Christian prince or estate, nor be within the bounds, limits, or territories of the northern colony, heretofore by us granted to be planted by divers of our loving subjects, in the north parts of Virginia. To have and to hold, possess and enjoy, all and singular the said Islands, in the said ocean seas so lying, and bordering upon the

coast and coasts of the territories of the said first colony in Virginia, as aforesaid; with all and singular the said soils, lands, and grounds, and all and singular other the premises, heretofore by these presents granted, or mentioned to be granted, to them, the said treasurer and company of adventurers and planters of the city of London for the first colony in Virginia, and to their heirs, successors, and assigns, for ever, to the sole and proper use and behoof of them, the said treasurer and company, and their heirs, and successors, and assigns, forever; to be holden of us, our heirs, and successors, as of our manor of East Greenwich, in free and common soccage, and not in capite; yielding and paying therefore to us, our heirs, and successors, the fifth part of the ore of all gold and silver, which shall be there gotten, had, or obtained, for all manner of services whatsoever.

5. And further, our will and pleasure is, and we do, by these presents, grant and confirm, for the good and welfare of the said plantation, and that posterity may hereafter know, who have adventured and not been sparing of their purses in such a noble and generous action for the general good of their country, and at the request, and with the consent, of the company aforesaid, that our trusty and well beloved subjects, George, Lord Archbishop of Canterbury, Henry, Earl of Huntington, Edward, Earl of Bedford, Richard, Earl of Clanrickard, etc., who since our said last letters patents are become adventurers, and have joined themselves with the former adventurers and planters of the said company and society, shall, from henceforth, be reputed, deemed, and taken to be, and shall be brethren and free members of the company, and shall and may, respectively, and according to the proportion and value of their several adventures, have, hold and enjoy all such interest, right, title, privileges, preheminences, liberties, franchises, immunities, profits, and commodities, whatsoever, in as large, and ample, and beneficial manner, to all intents, constructions, and purposes, as any other adventurers, nominated and expressed in any our former letters patents, or

any of them, have or may have, by force and virtue of these presents, or any our former letters patents whatsoever.

6. And we are further pleased, and we do, by these presents, grant and confirm, that Philip, Earl of Montgomery, William, Lord Paget, Sir John Starrington, Knt., etc., whom the said treasurer and company have, since the said last letters patents, nominated and set down, as worthy and discreet persons, fit to serve as counsellors, to be of our council for the said plantation, shall be reputed, deemed, and taken as persons of our said council for the said first colony, in such manner and sort, to all intents and purposes, as those who have been formerly elected and nominated, as our counsellors for that colony, and whose names have been or are inserted and expressed in our said former letters patents.

7. And we do hereby ordain and grant, by these presents, that the said treasurer and company of adventurers and planters aforesaid, shall and may, once every week, or oftener, at their pleasure, hold and keep a court and assembly, for the better order and government of the said plantation, and such things, as shall concern the same; and that any five persons of our council for the said first colony in Virginia, for the time being, of which company the treasurer, or his deputy, to be always one, and the number of fifteen others, at the least, of the generality of the said company, assembled together in such manner, as is and hath been heretofore used and accustomed, shall be said, taken, held, and reputed to be, and shall be a sufficient court of the said company, for the handling, and ordering, and dispatching of all such casual and particular occurrences, and accidental matters, of less consequence and weight, as shall, from time to time, happen, touching and concerning the said plantation:

8. And that nevertheless, for the handling, ordering, and disposing of matters and affairs of greater weight and importance, and such as shall or may, in any sort, concern the weal publick and general good of the said company and plantation, as namely the manner of government from time to time to be used, the order-

ing and disposing of the lands and possessions, and the settling and establishing of a trade there, or such like, there shall be held and kept, every year, upon the last Wednesday, save one, of Hillary term, Easter, Trinity, and Michaelmas terms, for ever, one great, general, and solemn assembly, which four assemblies shall be stiled and called, The Four Great and General Courts of the Council and Company of Adventurers for Virginia; in all and every of which said great and general courts, so assembled, our will and pleasure is, and we do, for us, our heirs, and successors, for ever, give and grant to the said treasurer and company and their successors, for ever, by these presents, that they the said treasurer and company, or the greater number of them, so assembled, shall and may have full power and authority, from time to time, and at all times hereafter, to elect and choose discreet persons, to be of our said council, for the said first colony in Virginia, and to nominate and appoint such officers, as they shall think fit and requisite, for the government, managing, ordering, and dispatching of the affairs of the said company, and shall likewise have full power and authority, to ordain and make such laws and ordinances, for the good and welfare of the said plantation, as to them, from time to time, shall be thought requisite and meet: so always, as the same be not contrary to the laws and statutes of this our realm of England; and shall, in like manner, have power and authority, to expulse, disfranchise, and put, out of and from their said company and society, for ever, all and every such person and persons, as having either promised, or subscribed their names, to become adventurers to the said plantation of the said first colony in Virginia, or having been nominated for adventurers, in these or any other our letters patents, or having been otherwise admitted and nominated to be of the said company, have nevertheless either not put in any adventure at all, for and towards the said plantation, or else have refused and neglected, or shall refuse and neglect, to bring in his or their adventure, by word or writing promised, within six months after the same shall be so payable and due.

9. And whereas the failing and not payment of such monies, as have been promised in adventure for the advancement of the said plantation, hath been often by experience found, to be dangerous and prejudicial to the same, and much to have hindered the progress and proceeding of the said plantation, and for that it seemeth unto us a thing reasonable, that such persons, as by their hand writing have engaged themselves for the payment of their adventurers, and afterwards neglecting their faith and promise, should be compelled to make good and keep the same; therefore our will and pleasure is, that in any suit or suits, commenced or to be commenced, in any of our courts at Westminster, or elsewhere, by the said treasurer and company, or otherwise, against any such persons, that our judges for the time being, both in our court of chancery, and at the common pleas, do favour and further the said suits, so far forth as law and equity will, in any wise, further and permit.

10. And we do, for us, our heirs, and successors, further give and grant to the said treasurer and company, or their successors, for ever, that, the said treasurer and company, or the greater part of them, for the time being, so in a full and general court assembled, as aforesaid, shall and may from time to time, and at all times for ever hereafter, elect, choose, and admit into their company and society, any person or persons, as well strangers and aliens, born in any part beyond the seas wheresoever, being in amity with us, as our natural liege subjects, born in any our realms, and dominions; and that all such persons, so elected, chosen and admitted to be of the said company, as aforesaid, shall thereupon be taken, reputed, and held, and shall be, free members of the said company, and shall have, hold, and enjoy, all and singular freedoms, liberties, franchises, privileges, immunities, benefits, profits and commodities, whatsoever, to the said company in any sort belonging or appertaining, as fully, freely, and amply, as any other adventurers, now being, or which hereafter at any time shall be of the said company, hath, have, shall,

may, might, or ought to have and enjoy the same, to all intents and purposes whatsoever.

11. And we do further of our especial grace, certain knowledge, and mere motion, for us, our heirs, and successors, give and grant unto the said treasurer and company, and their successors, for ever, by these presents, that it shall be lawful and free, for them and their assigns, at all and every time and times hereafter, out of any our realms and dominions whatsoever, to take, lead, carry, and transport, in and into the said voyage, and for and towards the said plantation, of our said first colony in Virginia, all such and so many of our loving subjects, or any other strangers, that will become our loving subjects and live under our allegience, as shall willingly accompany them in the said voyages and plantation; with shipping, armour, weapons, ordnance, munition, powder, shot, victuals, and all manner of merchandises and wares, and all manner of cloathing, implements, furniture, beasts, cattle, horses, mares, and all other things necessary for the said plantation, and for their use and defence, and for trade with the people there, and in passing and returning to and from, without paying or yielding any subsidy, custom, or imposition either inward or outward, or any other duty, to us, our heirs, or successors, for the same, for the space of seven years from the date of these presents.

12. And we do further, for us, our heirs, and successors, give and grant to the said treasurer and company, and their successors, for ever, by these presents, that the said treasurer of that company, or his deputy, for the time being, or any two other of the said council for the said first colony in Virginia, for the time being, or any two other at all times hereafter, and from time to time have full power and authority, to minister and give the oath and oaths of supremacy and allegiance, or either of them, to all and every person and persons, which shall at any time or times hereafter, go or pass to the said colony in Virginia:

13. And further, that it shall be lawful likewise for the said treasurer, or his deputy, for the time being, or any two or others

of our said council for the said first colony in Virginia, for the time being, from time to time, and at all times hereafter, to minister such a formal oath, as by their discretion shall be reasonably devised, as well unto any person or persons, employed in, for, or touching the said plantation, for their honest, faithful, and just discharge of their service, in all such matters, as shall be committed unto them for the good and benefit of the said company, colony, and plantation; as also, unto such other person or persons, as the said treasurer or his deputy, with two others of the said council, shall think meet, for the examination or clearing of the truth, in any cause whatsoever concerning the said plantation, or any business, from thence proceeding, or thereunto belonging.

14. And furthermore, whereas we have been certified, that divers lewd and ill-disposed persons, both sailors, soldiers, artificers, husbandmen, labourers, and others, having received wages, apparel, and other entertainment, from the said company, or having contracted and agreed with the said company, to go, or to serve, or to be employed in the said plantation of the said first colony in Virginia, have afterwards either withdrawn, hid or concealed themselves, or have refused to go thither, after they have been so entertained and agreed withal; and that divers and sundry persons also, which have been sent and employed in the said plantation of the said first colony in Virginia, at and upon the charge of the said company, and having there misbehaved themselves, by mutinies, sedition, or other notorious misdemeanors, or having been employed or sent abroad, by the governor of Virginia or his deputy, with some ship or pinnace, for our provision of the said colony, or for some discovery, or other business and affairs, concerning the same, have from thence most treacherously either come back again and returned into our realm of England, by stealth, or without licence of our governor of our said colony in Virginia for the time being, or have been sent hither, as misdoers and offenders; and that many also of those persons, after their return from thence, having been questioned by our said

council here, for such their misbehaviors and offences, by their insolent and contemptuous carriage in the presence of our said council, have shewed little respect and reverence, either to the place, or authority, in which we have placed and appointed them; and others, for the colouring of their lewdness and misdemeanors committed in Virginia, have endeavored, by most vile and slanderous reports, made and divulged, as well of the country of Virginia, as also of the government and estate of the said plantation and colony, as much as in them lay, to bring the said voyage and plantation into disgrace and contempt; by means whereof, not only the adventurers and planters, already engaged in the said plantation, have been exceedingly abused and hindered, and a great number of other our loving and well disposed subjects, otherwise well affected, and enclined to join and adventure in so noble, christian, and worthy an action, have been discouraged from the same, but also the utter overthrow and ruin of the said enterprise hath been greatly endangered, which cannot miscarry without some dishonor to us and our kingdom;

15. Now, forasmuch as it appeareth unto us, that these insolences, misdemeanors, and abuses, not to be tolerated in any civil government, have, for the most part, grown and proceeded, in regard our said council have not any direct power and authority, by any express words in our former letters patents, to correct and chastise such offenders; we therefore, for the more speedy reformation of so great and enormous abuses and misdemeanors, heretofore practised and committed, and for the preventing of the like hereafter, do, by these presents, for us, our heirs, and successors, give and grant to the said treasurer and company, and their successors, for ever, that it shall and may be lawful for our said council for the said first colony in Virginia, or any two of them (whereof the said treasurer, or his deputy, for the time being, to be always one) by warrant under their hands, to send for, or to cause to be apprehended, all and every such person, and persons, who shall be noted, or accused, or found, at any time or times hereafter, to offend, or misbehave them-

selves, in any the offences before mentioned and expressed; and upon the examination of any such offender or offenders, and just proof made by oath, taken before the said council, of any such notorious misdemeanors by them committed, as aforesaid; and also upon any insolent and contemptuous, or indecent carriage, and misbehaviour, to or against our said council, shewed or used by any such person or persons, so called, convented, and appearing before them, as aforesaid; that in all such cases, they, our said council, or any two of them, for the time being, shall and may have full power and authority, either here to bind them over with good surities for their good behaviour, and further therein to proceed, to all intents and purposes, as it is used, in other like cases, within our realm of England; or else, at their discretion, to remand and send them back, the said offenders, or any of them, unto the said colony in Virginia, there to be proceeded against and punished, as the governor, deputy, or council there, for the time being, shall think meet; or otherwise according to such laws and ordinances, as are and shall be in use there, for the well ordering and good government of the said colony.

16. And for the more effectual advancing of the said plantation, we do further, for us, our heirs, and successors, of our especial grace and favour, by virtue of our prerogative royal, and by the assent and consent of the Lords and others of our privy council, give and grant unto the said treasurer and company, full power and authority, free leave, liberty, and licence, to set forth, erect, and publish, one or more lottery or lotteries, to have continuance, and to endure and be held, for the space of one whole year, next after the opening of the same; and after the end and expiration of the said term, the said lottery or lotteries to continue and be further kept, during our will and pleasure only, and not otherwise. And yet nevertheless, we are contented and pleased for the good and welfare of the said plantation, that the said treasurer and company shall, for the dispatch and finishing of the said lottery or lotteries, have six months warning after the said year ended, before our will and pleasure shall, for and

on that behalf, be construed, deemed, and adjudged, to be in any wise altered and determined.

17. And our further will and pleasure is, that the said lottery and lotteries shall and may be opened and held, within our city of London, or in any other city or town, or elsewhere, within this our realm of England, with such prizes, articles, conditions, and limitations, as to them, the said treasurer and company, in their discretion shall seem convenient:

18. And that it shall and may be lawful, to and for the said treasurer and company, to elect and choose receivers, auditors, surveyors, commissioners, or any other officers, whatsoever, at their will and pleasure, for the better marshalling, disposing, guiding, and governing of the said lottery and lotteries; and that it shall likewise be lawful, to and for the said treasurer and any two of the said council, to minister to all and every such person so elected and chosen for officers, as aforesaid, one or more oaths, for their good behaviour, just and true dealing, in and about the said lottery or lotteries, to the intent and purposes, that none of our loving subjects, putting in their names, or otherwise adventuring in the said general lottery or lotteries, may be, in any wise, defrauded and deceived of their said monies, or evil and indirectly dealt withal in their said adventurers.

19. And we further grant in manner and form aforesaid, that it shall and may be lawful, to and for the said treasurer and company, under the seal of the said council for the plantation, to publish, or to cause and procure to be published, by proclamation or otherwise (the said proclamation, to be made in their name, by virtue of these presents) the said lottery or lotteries in all cities, towns, boroughs, and other places within our said realm of England; and we will and command all mayors, justices of peace, sheriffs, bailiffs, constables, and other officers and loving subjects, whatsoever, that, in no wise, they hinder or delay the progress and proceedings of the said lottery or lotteries, but be therein touching the premises, aiding and assisting, by all honest good and lawful means and endeavours.

20. And further our will and pleasure is, that in all questions, and doubts, that shall arise, upon any difficulty of construction or interpretation of any thing contained in these, or any other our former letters patents, the same shall be taken and interpreted, in most ample and beneficial manner for the said treasurer and company, and their successors, and every member thereof.

21. And lastly, we do by these presents, ratify and confirm unto the said treasurer and company, and their successors, for ever, all and all manner of privileges, franchises, liberties, immunities, preheminences, profits and commodities, whatsoever, granted unto them in any our former letters patents, and not in these presents revoked, altered, changed, or abridged, although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gift or grant, by us or any of our progenitors or predecessors, to the aforesaid treasurer and company heretofore made, in these presents is not made; or any statute, act, ordinance, provision, proclamation, or restraint, to the contrary thereof heretofore made, ordained, or provided, or any other matter, cause, or thing, whatsoever, to the contrary, in any wise, notwithstanding.

In witness whereof we have caused these our letters to be made patents. Witness ourself, at Westminster, the twelfth day of March, in the ninth year of our reign of England, France, and Ireland, and of Scotland the five and fortieth.

## VIRGINIA ACT OF CESSION—1783.*

SECTION 1. Whereas, the Congress of the United States did, by their act of the 6th day of September, in the year 1780, recommend to the several States in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States of a portion of their respective claims for the common benefit of the Union:

SEC. 2. And, whereas, this commonwealth did, on the 2d day of January, in the year 1781, yield to the Congress of the United States, for the benefit of said States, all right, title, and claim which the said commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession:

SEC. 3. And, whereas, the United States in Congress assembled have, by their act of the 13th of September last, stipulated the terms upon which they agree to accept the cession of this State, should the Legislature approve thereof, which terms, although they do not come fully up to the propositions of this commonwealth, are conceived, on the whole, to approach so nearly to them as to induce this State to accept thereof, in full confidence that Congress will, in justice to this State for the liberal cession she hath made, earnestly press upon the other States, claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal for the common benefit and support of the Union:

*Be it enacted by the General Assembly,* That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deed or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States, in Congress assembled, for the benefit of said States,

* This act was passed on December 20, 1783, by the legislature of Virginia, to authorize the delegates of that State in Congress to convey to the United States all the rights of that commonwealth to the territory northwest of the river Ohio.

all right, title, and claim, as well of soil as jurisdiction, which this commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being to the northwest of the river Ohio, subject to the terms and conditions contained in the before-recited act of Congress of the 13th day of September last, that is to say: Upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom and independence as the other States; that the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress of the 10th of October, 1780, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity, not exceeding one hundred and fifty thousand acres, of land, promised by this State, shall be allowed and granted to the then Colonel, now General, George Rogers Clarke, and to the officers and soldiers of his regiment who marched with him when the posts of Kaskaskies and Saint Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion according to the laws of Virginia. That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of the Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient

for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever; Provided, That the trust hereby reposed in the delegates of this State shall not be executed unless three of them, at least, are present in Congress.

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## CESSION FROM THE STATE OF CONNECTICUT.

(SEPTEMBER 14, 1786, 1 V. L. U. S., p. 484.)

The delegates from Connecticut having thereupon proceeded and executed a deed of cession, agreeable to the resolution of 26th May last, in the words following:

*To all who shall see these presents,* We, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the State of Connecticut in the Congress of the United States, send greeting:

WHEREAS, The General Assembly of the State of Connecticut, on the second Thursday in May, in the year of our Lord, one thousand seven hundred and eighty-six, passed an act in the following words, viz: "Be it enacted by the Governor, Council and Representatives in General Court assembled, and by the authority of the same, That the delegates of this State, or any two of them, who shall be attending the Congress of the United States, be and they are hereby directed, authorized, and fully empowered, in the name and behalf of this State, to make, execute,

and deliver, under their hands and seals, an ample deed or release and cession of all the right, title, interest, jurisdiction, and claim, of the State of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said line of Pennsylvania, and to continue north until it comes to forty-two degrees and two minutes north latitude. Whereby all the right, title, interest, jurisdiction, and claim of the State of Connecticut to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said States, Connecticut inclusive." Now, therefore, know ye, that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the power and authority to us committed by said act of the General Assembly of Connecticut, do, by these presents, assign, transfer, quit-claim, cede, and convey, to the United States of America, for their benefit, Connecticut inclusive, all the right, title, interest, jurisdiction, and claim, which the said State of Connecticut hath in and to the beforementioned and described territory or tract of country, as the same is bounded and described in the said act of Assembly, for the uses in the said recited act of Assembly declared.

*In witness whereof,* We have hereunto set our hands and seals, this thirteenth day of September, in the year of our Lord, one thousand seven hundred and eighty-six, and of the sovereignty and independence of the United States of America the eleventh.

WILL. SAM. JOHNSON (L. S.).
JONATHAN STURGES (L. S.).

Signed, sealed, and delivered, in the presence of

CHA. THOMPSON,
ROGER ALDEN,
JAS. MATHERS.

On motion,

*Resolved,* That Congress accept the said deed of cession, and that the same be recorded and enrolled among the acts of the United States in Congress assembled.

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## ORDINANCE OF 1787.

(The Confederate Congress, July 13, 1787.)

An ordinance for the government of the territory of the United States northwest of the river Ohio.

Section 1. *Be it ordained by the United States in Congress assembled,* That the said territory, for the purpose of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Sec. 2. *Be it ordained by the Authority aforesaid,* That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and when there shall be no children or descendants, then in equal parts to the next of kin, in equal degree, and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall in no case be distinction between kindred of the whole and half blood, saving in all cases to the widow of the intestate, her third part of the real estate and this law relative to descents and dower, shall remain in full force until altered by the Legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned estates in the said territory may be devised or bequeathed by will in writing, signed and sealed by him or her in whom the estate may be, (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed and sealed and delivered by the person, being of

full age; in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof, duly proved, and be recorded within one year after proper magistrates, courts and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property.

SEC. 3. *Be it ordained by the Authority aforesaid,* That there shall be appointed, from time to time, by Congress, a Governor, whose Commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

SEC. 4. There shall be appointed, from time to time, by Congress, a Secretary, whose commission shall continue in force for four years, unless sooner revoked: he shall reside in the district, and have a freehold estate therein in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the Governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction and reside in the district and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

SEC. 5. The Governor and Judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances in the district and report them to Congress, from time to time, which shall be in force in the district until the organization of the General Assembly therein unless disap-

proved by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

SEC. 6. The Governor, for the time being, shall be the commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

SEC. 7. Previous to the organization of the General Assembly the Governor shall appoint such magistrates and other civil officers in each county or township as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

SEC. 8. For the prevention of crimes and injuries the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the Governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles have been extinguished, into the counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature.

SEC. 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the Governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly; Provided, That for every five hundred free male inhabitants there shall be one representative, and so on, progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the Legislature; Provided, That no person will be eligible or qualified to act as representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided

in the district three years; and, in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; Provided also, That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

SEC. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the Governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

SEC. 11. The General Assembly, or Legislature, shall consist of the Governor, Legislative Council, and a House of Representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as Representatives shall be elected the Governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and, whenever a vacancy shall happen in the Council by death or removal from office, the House of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the Council, the said House shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the Council five years, unless sooner removed. And the Governor, Legislative Council, and House of Representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance

established and declared. And all bills, having passed by a majority in the House, and by a majority in the Council, shall be referred to the Governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly when, in his opinion, it shall be expedient.

SEC. 12. The Governor, Judges, Legislative Council, Secretary and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the Governor before the President of Congress, and all other officers before the Governor. As soon as a Legislature shall be formed in the district, the Council and House assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected, to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

SEC. 14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable unless by common consent, to wit:

### ARTICLE I.

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

### Article II.

The inhabitants of the said territory shall always be entitled to the benefits of the writs of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory that shall, in any manner whatever, interfere with or affect private contracts, or engagements, bona fide, and without fraud previously formed.

### Article III.

Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property rights and liberty they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

### Article IV.

The said territory and the States which may be formed therein shall forever remain a part of this confederacy of the United States of America, subject to the articles of Confederation, and

to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measures by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free as well to the inhabitants of the said territory, as to the citizens of the United States and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio,

by a direct line drawn due north from the mouth of the great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania and the said territorial line; Provided however, And it is further understood and declared that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing of the original States in all respects whatever, and shall be at liberty to form a permanent constitution and state government; Provided, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles, and, so far as it can be, consistent with the general interests of the confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than sixty thousand.

## Article VI.

There shall be neither slavery nor involuntary servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

*Be it ordained by the Authority aforesaid,* That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

DECISIONS REFERRING TO THE ORDINANCE.

Wallace v. Parker, 6, Pet. 680; Pollard v. Hagan; Parmoli v. First Municipality, 3, How., 212, 589; Jones v. Van Zandt, 5, How., 215; Strader v. Graham, 10, How., 82; Pennsylvania v. Wheeling Bridge Company, 18, How., 421; Bates v. Brown, 5, Wall., 710; Messenger v. Mason, 10, Wall., 507; Clinton v. Engelbrecht, 13, Wall., 434; Langdean v. Hanes, 21, Wall., 521 Packett Company v. Keokuk, 95, U. S., 80; Spooner v. McConnell, 1, McLean, 336; Palmer v. Cuyahoga Co., 3, McLean, 226; Hogg v. Zanesville, etc., Co., 5, O., 410; Perry v. Torrence, 8, O., 522; Hutchinson v. Thompson, 9, O., 52; Cochran v. Loring, 17, O., 409.

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## DEED OF CESSION FROM VIRGINIA—1784.

*To all who shall see these presents,* we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the commonwealth of Virginia in the Congress of the United States of America, send greeting:

WHEREAS, The General Assembly of the commonwealth of Virginia, at their session begun on the 20th day of October, 1783, passed an act, entitled "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled all the right of this commonwealth to the territory northwest of the River Ohio, in these words following, to-wit" (here follows the act of cession:); and,

WHEREAS, The said General Assembly, by their resolution of June 6, 1783, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said commonwealth in Congress, for one year from the first Monday in November then next following, which resolution remains in full force:

Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said General

Assembly of Virginia before recited, and in the name, and for and on behalf of, the said commonwealth, do, by these presents, convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said States, Virginia inclusive, all right, title, and claim, as well of soil as of jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being to the northwest of the River Ohio, to and for the uses and purposes and on the conditions of the said recited act.

*In testimony whereof*, We have hereunto subscribed our names and affixed our seals, in Congress, the 1st day of March, in the year of our Lord 1784, and of the Independence of the United States the eighth.

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## MODIFIED CESSION OF VIRGINIA.

(Act of Dec. 30, 1788, 12 V., Hen. St. Va., p. 780.)

Section 1. Whereas the United States in Congress assembled, did on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons showing that a division of the territory which hath been ceded to the said United States by this commonwealth into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such division of the said territory into distinct and republican states, not more than five, nor less than three in number, as the situation of that country and future circumstances might require.

And the said United States in Congress assembled, hath, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States and the people and States in the said territory, viz: (Here the fifth article of the Ordinance of July 13, 1787, is recited.) — And it is ex-

pedient that this commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original States and the people and States in the said territory;

*Be it therefore enacted by the General Assembly*, That the aforerecited article of compact between the original States and the people and states in the territory northwest of (the) Ohio River, be, and the same is, hereby ratified and confirmed; anything to the contrary, in the deed of cession of the said territory by this commonwealth to the United States, notwithstanding.

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## VIRGINIA ACT OF RATIFICATION—1788.

WHEREAS, The United States in Congress assembled did, on the 7th day of July, in the year of our Lord, 1786, state certain reasons, showing that a division of the territory which had been ceded to the said United States by this commonwealth into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican States not more than five nor less than three in number, as the situation of that country and future circumstances might require; and the said United States in Congress assembled have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the 13th of July, 1787, declared the following as one of the articles of compact between the original States and the people and States in the said territory, viz., (here article 5 of the ordinance of 1787 is recited);

And it is expedient that this commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original States and the people and States in the said territory:

*Be it therefore enacted by the General Assembly*, That the aforerecited articles of compact between the original States and the people and States in the territory northwest of Ohio river be

and the same is hereby, ratified and confirmed, anything to the contrary in the deed of cession of said territory by this commonwealth to the United States notwithstanding.*

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## THE NORTHWEST TERRITORIAL GOVERNMENT—1789.

(FIRST CONGRESS, FIRST SESSION.)

An act to provide for the government of the Territory northwest of the river Ohio.

WHEREAS, In order that the ordinance of the United States in Congress assembled, for the government of the territory northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present constitution of the United States:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases in which, by said ordinance, any information is to be given or communication made by the Governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of said Governor to give such information and to make such communication to the President of the United States; and the President shall nominate, and, by and with the advice and consent of the Senate shall appoint all officers which, by said ordinance, were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might, by the said

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* The act of Virginia of December 18, 1789, concerning the erection of Kentucky into an independent State, contained the following proviso:

"Sec. 7. The use and navigation of the river Ohio, so far as the territory of the proposed State, or the territory which shall remain within the limits of this commonwealth, lies therein, shall be free and common to the citizens of the United States; and the respective jurisdictions of this commonwealth and of the proposed State, on the river as aforesaid, shall be concurrent only with the States which may possess the opposite shores of the said river."

ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

SEC. 2. And be it further enacted, That in case of the death removal, resignation, or necessary absence of the Governor of the said territory, the Secretary thereof shall be, and he is hereby authorized and required to execute all the powers and perform all the duties of the Governor during the vacancy occasioned by the removal, resignation, or necessary absence of the said Governor.

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## CONCERNING THE CESSION OF THE WESTERN RESERVE.

(ACT OF CONGRESS OF APRIL 28, 1800, 3 V. L. U. S., p. 364.)

SECTION 1. That the President of the United States be, and he hereby is, authorized to execute and deliver letters patent, in the name and behalf of the United States, to the Governor of the State of Connecticut, for the time being, for the use and benefit of the persons holding and claiming under the State of Connecticut, their heirs and assigns, forever, whereby all rights, title interest, and estate, of the United States, to the soil of that tract of land lying west of the west line of Pennsylvania, as claimed by the State of Pennsylvania, and as the same has been actually settled, ascertained, and run, in conformity to an agreement between the said State of Pennsylvania and the State of Virginia, and extending from said line, westward, one hundred and twenty statute miles in length, and in breadth throughout the said limits in length, from the completion of the forty-first degree of north latitude, until it comes to forty-two degrees and two minutes north latitude, including all that territory commonly called the Western Reserve of Connecticut, and which was excepted by said State of Connecticut out of the cession by the said State heretofore made to the United States, and accepted by a resolution of Congress of the fourteenth of September, one thousand seven hundred and eighty-six, shall be released and conveyed as aforesaid to the said Governor of Connecticut, and his successors in said office, forever,

for the purpose of quieting the grantees and purchasers under said State of Connecticut, and confirming their titles to the soil of the said tract of land.

Provided, however, That such letters patent shall not be executed and delivered, unless the State of Connecticut shall within eight months from passing this act, by a legislative act, renounce forever, for the use and benefit of the United States, and of the several individual States who may be therein concerned, respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter, or charters whatever, lying westward, nothwestward, and southwestward,of these counties in the State of Connecticut, which are bounded westwardly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three, excepting only from such renunciation the claim of said State of Connecticut, and of those claiming from under the said State, to the soil of said tract of land, herein described under the name of the Western Reserve of Connecticut.

And provided, also, That the said State of Connecticut shall, within the said eight months for and after passing this act, by the agent or agents of said State, duly authorized by the Legislature thereof, execute and deliver, to the acceptance of the President of the United States, a deed, expressly releasing to the United States the jurisdictional claim of the said State of Connecticut, to the said tract of land, herein described under the name of the Western Reserve of Connecticut, and shall deposit an exemplification of said act of renunciation, under the seal of the said State of Connecticut, together with said deed, releasing said jurisdiction, in the office of the Department of State of the United States; which deed of cession, when so deposited, shall vest the jurisdiction of said territory in the United States: Provided, That neither this act, nor anything contained therein, shall be construed so as in any manner to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, by the decree of the Federal Court at Trenton, nor to impair the right of Pennsylvania, or any other State, or of any person or persons

claiming under that or any other State, in any existing dispute concerning the right, either of soil or of jurisdiction, with the State of Connecticut, or with any person or persons claiming under the State of Connecticut: And provided, also, That nothing herein contained shall be construed in any manner to pledge the United States for the extinguishment of the Indian title to the said lands, or further than merely to pass the title of the United States thereto.*

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## THE NORTHWEST TERRITORIAL GOVERNMENT—1800.

(SIXTH CONGRESS, FIRST SESSION.)

An act to divide the Territory of the United States northwest of the Ohio into two separate governments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the fourth day of July next, all that part of the territory of the United States northwest of the Ohio River which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky River, and running thence to Fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada, shall, for the purposes of temporary government, constitute a separate territory and be called the Indiana Territory.

SEC. 2. And be it further enacted, That there shall be es-

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* By Article IV, of the treaty of Fort Industry, July 4, 1805, it appears that the "Proprietors of the half million of acres of land, lying south of Lake Erie, called Sufferers' Land," furnished an annuity of one hundred and seventy-five dollars to the Wyandots, Munsees, and Delawares, and those of the Shawanos and Senecas who resided with the Wyandots. By Article V, the Ottawas and Chippewas and such of the Pottawatamies as resided on the river Huron, received from said "Proprietors" the sum of $4,000 in hand, who secured to the President, in trust for them, the further sum of $12,000, payable in six annual installments, which several sums, with $2916.67, to raise said sum of $175 annuity, over the consideration paid by the agents of the Connecticut Reserve to extinguish the Indian claims of that tract of land.

tablished within the said territory a government in all respects similar to that provided by the ordinance of Congress passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States northwest of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy, all and singular the rights, privileges, and advantages granted and secured to the people by the said ordinance.

SEC. 3. And be it further enacted, That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensation as by the ordinance aforesaid and the laws of the United States have been provided and established for similar offices in the territory of the United States northwest of the river Ohio. And the duties and emoluments of the superintendent of Indian affairs shall be united with those of Governor; Provided, That the President of the United States shall nave full power, in the recess of Congress, to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the next session of Congress.

SEC. 4. And be it further enacted, That so much of the ordinance for the government of the territory of the United States northwest of the Ohio River as relates to the organization of a General Assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana Territory, whenever satisfactory evidence shall be given to the Governor thereof that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards; Provided, That until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of Representatives to the General Assembly shall not be less than seven nor more than nine, to be apportioned by the Governor to the several counties in said territory agreeably to the number of free males of the age of twenty-one years and upwards which they may respectively contain.

SEC. 5. Be it further enacted, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the territory of the United States northwest of the Ohio River, further than to prohibit the exercise thereof within the Indiana Territory, from and after the aforesaid fourth of July next; Provided, That whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami River, and running thence due north to the territorial line between the United States and Canada, shall be erected into an independent State and admitted into the Union on an equal footing with the original States, thenceforth said line shall become and remain permanently the boundary line between such States and the Indiana Territory; anything in this act contained to the contrary notwithstanding.

SEC. 6. And be it further enacted, That until it shall be otherwise ordered by the Legislatures of the said territories respectively, Chillicothe, on Scioto River, shall be the seat of the government of the territory of the United States northwest of the Ohio River; and that Saint Vincennes, on the Wabash River, shall be the seat of the government for the Indiana Territory.

Approved May 7, 1800.

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## DEED AND ACT OF CESSION OF CONNECTICUT.

(MAY 30, 1800, 1 V. L. U. S., p. 485.)

*To all who shall see these presents,* I, Jonathan Trumbull, Governor of the State of Connecticut, send greeting:

WHEREAS, The General Assembly of the State of Connecticut, at their session holden in Hartford, on the second Thursday of May, one thousand eight hundred, passed an act, entitled "An act renouncing the claims of this State to certain lands therein mentioned," in the words following to-wit:

"WHEREAS, The Congress of the United States, at their session, begun and holden in the City of Philadelphia, on the first Monday of December, in the year one thousand seven hun-

dred and ninety-nine, made and passed an act, in the words following to-wit: (here follows the act of Congress, of the 28th of April, 1800) therefore, in consideration of the terms, and in compliance with the provisions and conditions of the said act,

*Be it enacted by the Governor and Council, and House of Representatives, in General Court assembled,* That the State of Connecticut doth hereby renounce forever, for the use and benefit of the United States, and of the several individual States, who may be therein concerned respectively, and of all those deriving claims or titles from them or any of them, all territorial and jurisdictional claims, whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever, lying westward, northwestward, and southwestward, of those counties in the State of Connecticut, which are bounded westerdly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three; excepting only from this renunciation, the claim of the said State of Connecticut, and of those claiming from or under the said State of Connecticut, to the soil of said tract of land, in said act of Congress described under the name of the Western Reserve of Connecticut; and,

*Be it further enacted,* That the Governor of this State for the time being, be, and hereby is empowered, in the name and behalf of this State, to execute and deliver to the acceptance of the President of the United States, a deed of the form and tenor directed by the said act of Congress, expressly releasing to the United States the jurisdictional claims of the State of Connecticut, to all that territory called the Western Reserve of Connecticut, according to the description thereof in said act of Congress, and in as full and ample manner as therein is required.

Therefore, know ye, that I, Jonathan Trumbull, Governor of the State of Connecticut, by virtue of the powers vested in me, as aforesaid, do, by these presents, in the name and for and on behalf of the said State, remise, release and forever quit-claim, to the United States, the jurisdictional claim of the State of Connecticut, to all that tract of land called, in the aforesaid act of Congress, the Western Reserve of Connecticut, and as the same therein under that name is particularly and fully described.

*In witness whereof*, I have hereunto subscribed my name, and affixed my seal, in the council chamber at Hartford, in the State of Connecticut, this thirtieth day of May, in the year of our Lord, one thousand eight hundred, and in the twenty-fourth year of the independence of the United States.

JONATHAN TRUMBULL (L. S.).

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## TERRITORIAL ASSENT TO ALTERATION OF BOUNDARY OF TERRITORY OF NORTHWEST.

ACT OF DEC. 21, 1801. FIRST SESSION GENERAL ASSEMBLY NORTHWEST TERRITORY.

An act declaring the assent of the territory northwest of the river Ohio to an alteration in the ordinance for the government thereof.

SECTION 1. That as soon as the Congress of the United States shall declare their assent thereto, the aforesaid ordinance for the government of the territory northwest of the river Ohio, done by the United States in Congress assembled, on the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth, shall be altered so far as the same relates to the boundaries of the three States that are first hereafter to be erected in the said territory, and in the stead thereof, the boundaries of the said states shall be fixed and established as follows, to wit: The western State in the said territory shall be bounded by the Mississippi, the Ohio, and line beginning at a point on the Ohio river, where the same is intersected by the western boundary of the land granted to General George Rogers Clark, and the officers and soldiers of his regiment; thence running directly to the head of Chickagua River; thence by the said river to Lake Michigan; thence by a line drawn due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and the Mississippi.

The middle State shall be bounded by the eastern boundary of the aforesaid western State, by the Ohio River to the mouth of the Scioto River, by the Scioto River to the Indian boundary line, as established in the treaty of Greenville; by a direct line

drawn from thence to the southwest corner of the Connecticut Reserve; thence by a line due north to the territorial line, and by the said territorial line.

The eastern State shall be bounded by the said eastern boundary of the middle State; by the Ohio to the Pennsylvania line; by the Pennsylvania line to the territorial line, and by the said territorial line.

*Provided always*, That nothing herein contained shall be intended to annul or in any way affect the authority of Congress to form one or two States in that part of the said territory which lies north of an east line drawn through the southerly bend of Lake Michigan.

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## APPLICATION TO ERECT THE NORTHWEST TERRITORY INTO A STATE.

(SEVENTH CONGRESS, FIRST SESSION. No. 156.)

Communicated to the House of Representatives, March 4, 1802.

Mr. Giles made the following report:

The committee to whom was referred the census of the inhabitants of the territory northwest of the Ohio, with instructions to report "whether any and what, measures ought at this time be taken, for enabling the people of the said territory to form a government for themselves, to be admitted into the Union upon the same terms with the original States"; to whom were also referred the representation of sundry inhabitants of the said territory, complaining of an act passed by the Legislature of the said territory for altering the boundary lines of the State therein as established by the ordinance of Congress of the 13th of July, 1787, etc., etc.; and other representations praying that provision may be made for enabling the people of the said territory to form for themselves a State government, to be admitted into the Union upon the same footing with the original States, etc.; after having bestowed on these interesting subjects all the attention their importance requires, report:

That it appears to your committee, that the ordinance of the 13th of July, 1787, between the original States and the people and State within the territory northwest of the river Ohio, con-

tains the following stipulation: that "Whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government; provided the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand." It also appears from the census of the inhabitants within the eastern division of the said territory, taken more than twelve months since, in virtue of a law of the United States for that purpose, that there were then in the said eastern division forty-five thousand three hundred and sixty-five inhabitants, from which are to be deducted three thousand four hundred inhabitants living north and west of the line proposed for the boundary of the said eastern division.

It appears, that since the time of taking the census, the United States have sold five hundred and fifty-three thousand nine hundred and ninety-five acres of lands within the eastern division of the territory, amounting in value to $1,147,585. It appears, from the best information to be procured, that, in the year 1794, the number of inhabitants within the present eastern division of the territory did not exceed six thousand. From the progressive increase of population since that period, and the sale of lands recently made by the United States, it is probable that, before all the measures necessary for the formation of a constitution, putting into operation a State government, and its admission into the Union, can be effectuated, the number of inhabitants will amount to sixty thousand; the number requisite, according to the terms of the ordinance, for giving them an absolute right of forming a constitution and State government for themselves, as well as the absolute right of admission into the Union, upon the same footing with the original States, in all respects whatever.

It also appears to your committee, that great and increasing disquietudes exist among the inhabitants within the territory,

from various occasions, and particularly in consequence of the act lately passed for altering the boundary lines of the States in the territory, as established by the ordinance of the 13th of July, 1787.

Your committee, from a due consideration of all the foregoing circumstances, are of opinion, that it is at this time expedient to make provisions for enabling the people within the eastern division of the territory northwest of the river Ohio to form for themselves a constitution and State government, to be admitted into the Union upon the same footing with the original States in all respects whatever; and that such admission, at this time, is consistent with the general interests of the confederacy, according to the said ordinance, although the number of inhabitants may not amount to sixty thousand. The committee therefore recommend the following resolutions:

*Resolved,* 1) That provision ought at this time to be made, by law, for enabling the inhabitants of the eastern division of the territory northwest of the river Ohio to form for themselves a constitution and State government, provided the same be republican, and not repugnant to the ordinance for the government of the territory northwest of the river Ohio, of the 13th of July, 1787, nor repugnant to the constitution of the United States; and also for the admission of such State, when the government thereof shall be formed, into the Union, upon the same footing with the original States, in all respects whatever, by the name of the State of ————.

*Resolved,* 2) That the said State of ———— ought to consist of all the territory included within the following boundaries, to-wit:Bounded on the east by the Pennsylvania line, running from the territorial line in Lake Erie to the Ohio; on the south by the Ohio, to the mouth of the Great Miami; on the west by a line drawn due north, from the mouth of the Great Miami aforesaid; and on the north by an east and west line, drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect Lake Erie or the territorial line, and thence with the same through Lake Erie, to the Pennsylvania line afroesaid, or place of beginning;

provided, that Congress shall, at any time hereafter, be at liberty either to attach all the territory lying east of the line to be drawn due north from the mouth of the Miami aforesaid to the territorial line, and north of an east and west line drawn through the southerly extreme of Lake Michigan, running east as aforesaid to Lake Erie, to the aforesaid State, or dispose of it otherwise, in conformity to the fifth article of compact between the original States and the people and States to be formed in the territory northwest of the Ohio.

*Resolved,* 3) That provision ought to be made, by law, for calling a convention within the eastern division of the territory, to be composed of members to be apportioned amongst the several counties therein, in a ratio of one representative for every ——— inhabitants of the said counties, according to the last enumeration of inhabitants thereof; also for fixing the time, place, and mode of making elections of members to compose such convention, and the time and place for the meeting of the same; which convention, when met, shall first determine, by a majority of the members present (provided the number present shall be a majority of the whole number chosen), whether it be or be not expedient, at that time, to form a constitution and State government for the people within the said territory; and if it be determined to be expedient then, in the next place, the convention shall be authorized to form a constitution and State government; provided the same shall be republican, and not repugnant to the ordinance of the 13th of July, 1787, between the original States and the people and the States of the territory northwest of the river Ohio, nor repugnant to the Constitution of the United States.

*Resolved,* 4) That until the next general census shall be taken, the State of ———— shall be entitled to ——— representatives in the House of Representatives of the United States.

The committee observed, in the ordinance for ascertaining the mode of disposing of lands in the western territory of the 20th of May, 1785, the following section, which, so far as respects the subject of schools, remains unaltered:

"There shall be reserved for the United States out of every township, the four lots, being numbered 8, 11, 26, 29, and out

of every fractional part of a township so many lots of the same numbers as shall be found thereon for future sale. There shall be reserved the lot No. 16, of every township, for the maintenance of public schools within the said township; also one-third part of all gold, silver, lead, and copper mines, to be sold, or otherwise disposed of as Congress shall hereafter direct."

The committee also observed, in the third and fourth articles of the ordinance of the 13th of July, 1787, the following stipulations, to-wit: Article three, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged," etc.

Article four, "The Legislatures of those districts of the new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents."

The committee, taking into consideration these stipulations, viewing the lands of the United States within the said territory as an important source of revenue; deeming it also of the highest importance to the stability and permanence of the union of the eastern and western parts of the United States, that the intercourse should, as far as possible, be facilitated, and their interests be liberally and mutually consulted and promoted, are of opinion that the provisions of the aforesaid articles may be varied for the reciprocal advantage of the United States and the State of ———— when formed, and the people thereof; they have therefore deemed it proper, in lieu of the said provisions, to offer the following propositions to the convention of the Eastern State of the said territory, when formed, for their free acceptance or rejection, without any condition or restraint whatever, which, if accepted by the convention, shall be obligatory upon the United States:

1st. That section No. 16, in every township, sold, or directed to be sold by the United States, shall be granted to the inhabitants of such township for the use of schools.

2d. That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, shall be granted to the State of ———— when formed, for the use of the people thereof; the same to be used under such terms, conditions, and regulations, as the Legislature of the said State shall direct; provided the said Legislature shall never sell, nor lease the same for a longer term than —— years.

3d. That one-tenth part of the net proceeds of the lands lying in the said State, hereafter sold by Congress, after deducting all expenses incident to the same, shall be applied to the laying out and making turnpike or other roads, leading from the navigable waters emptying into the Atlantic to the Ohio, and continued afterwards through the State of ————; such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass; provided that the convention of the State of ———— shall, on his part, assent that every and each tract of land sold by Congress shall be and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of ten years, from and after the completion of the payment of the purchase money on such tract to the United States.

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## ENABLING ACT FOR OHIO—1802.

(SEVENTH CONGRESS, FIRST SESSION.)

An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the inhabitants of the eastern division of the territory northwest of the river Ohio, be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper, and the said State, when formed, shall be admitted into the Union

upon the same footing with the original States in all respects whatever.

SEC. 2. And be it further enacted, That the said State shall consist of all the territory included within the following boundaries, to wit: Bounded on the east by the Pennsylvania line, on the south by the Ohio River, to the mouth of the Great Miami River, on the west by the line drawn due north from the mouth of the Great Miami aforesaid, and on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid; Provided, That Congress shall be at liberty at any time hereafter either to attach all the territory lying east of the line to be drawn due north from the mouth of the Miami aforesaid to the territorial line, and north of an east and west line drawn through the southerly extreme of Lake Michigan, running east as aforesaid to Lake Erie, to the aforesaid State, or dispose of it otherwise, in conformity to the fifth article of compact between the original States and the people and States to be formed in the territory northwest of the river Ohio.

SEC. 3. And be it further enacted, That all that part of the territory of the United States northwest of the river Ohio, heretofore included in the eastern division of said territory, and not included within the boundary herein prescribed for the said State, is hereby attached to, and made a part of, the Indiana Territory, from and after the formation of the said State, subject, nevertheless, to be hereafter disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein entitled to the same privileges and immunities, and subject to the same rules and regulations in all respects whatever, with all other citizens residing within the Indiana Territory.

SEC. 4. And be it further enacted, That all male citizens of the United States, who shall have arrived at full age and reside within the said territory at least one year previous to the day of election, and shall have paid a territorial or county tax,

and all persons having in other respects the legal qualifications to vote for Representatives in the General Assembly of the territory, be, and they are hereby, authorized to choose Representatives to form a convention, who shall be appointed amongst the several counties within the eastern division aforesaid, in a ratio of one Representative to every twelve hundred inhabitants of each county, according to the enumeration taken under the authority of the United States, as near as may be, that is to say, from the county of Trumbull, two Representatives; from the county of Jefferson, seven Representatives, two of the seven to be elected within what is now known by the county of Belmont, taken from Jefferson and Washington Counties; from the county of Washington, four Representatives; from the county of Ross, seven Representatives, two of the seven to be elected in what is now known by Fairfield County, taken from Ross and Washington Counties; from the county of Adams, three Representatives; from the county of Hamilton, twelve Representatives, two of the twelve to be elected in what is now known by Clermont County, taken entirely from Hamilton County; and the elections for the Representatives aforesaid shall take place on the second Tuesday of October next, the time fixed by a law of the territory entitled "An act to ascertain the number of free male inhabitants of the age of twenty-one in the territory of the United States northwest of the river Ohio, and to regulate the elections of Representatives for the same," for electing Representatives to the General Assembly, and shall be held and conducted in the same manner as is provided by the aforesaid act, except that the qualifications of electors shall be as herein specified.

Sec. 5. And be it further enacted, That the members of the convention, thus duly elected, be, and they are hereby, authorized to meet at Chillicothe on the first Monday in November next; which convention, when met, shall first determine, by a majority of the whole number elected, whether it be or be not expedient at that time to form a constitution and State government for the people within the said territory, and if it be determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and State government, or, if it be deemed more expedient, the said convention shall provide

by ordinance for electing Representatives to form a constitution or frame of government; which said Representatives shall be chosen in such manner and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance; and shall form for the people of the said State a constitution and State government, provided the same shall be republican, and not repugnant to the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the original States and the people and States of the territory northwest of the river Ohio.

SEC. 6. And be it further enacted, That until the next general census shall be taken, the said State shall be entitled to one Representative in the House of Representatives of the United States.

SEC. 7. And be it further enacted, That the following propositions be, and the same are hereby, offered to the convention of the eastern State of the said territory, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States:

First. That the section, number sixteen, in every township, and, where such section has been sold, granted, or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.

Second. That the six miles reservation, including the salt-springs, commonly called the Scioto salt-springs, the salt-springs near the Muskingum River, and in the military tract, with the sections of land which include the same, shall be granted to the said State for the use of the people thereof, the same to be used under such terms and conditions and regulations as the Legislature of the said State shall direct; Provided, The said Legislature shall never sell nor lease the same for a longer period than ten years.

Third. That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into

the Atlantic, to the Ohio, to the said State, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass; Provided always, That the three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by Congress from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale.

Approved April 30, 1802.

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## PROPOSITIONS

### From the Ohio Constitutional Convention to the Congress of the United States, Relating to the Admission of Ohio.

(Ordinance and Resolution passed in Convention, Nov. 29, 1802, 21 V., L. O., p. 44.)

We, the representatives of the people of the eastern division of the territory northwest of the river Ohio, being assembled in convention pursuant to an act of Congress, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes": and, having had under our consideration the propositions offered by the said act, for our free acceptance or rejection, do resolve to accept of the said propositions, provided the following addition to and modification of the said propositions shall be agreed to by the Congress of the United States, viz:

That, in addition to the first proposition, securing the section No. 16, in every township within certain tracts, to the inhabitants thereof, for the use of schools, a like donation, equal to the one thirty-sixth part of the amount of the lands in the United States Military Tract, shall be made for the support of schools

within that tract; and that the like provision shall be made for the support of schools in the Virginia reservation, so far as the unlocated lands in that tract will supply the proportion aforesaid, after the warrants issued from said State have been satisfied; and, also, that a donation of the same kind, or such provisions as Congress shall deem expedient, shall be made to the inhabitants of the Connecticut Reserve.

That all the lands which may hereafter be purchased of the Indian tribes by the United States, and lying within the State of Ohio, the one thirty-sixth part shall be given, as aforesaid, for the support of public schools.

That all lands before mentioned to be appropriated by the United States for the support of schools shall be vested in the Legislature of this State, in trust, for said purpose.

That not less than three per cent. of the net proceeds of the lands of the United States lying within the limits of the State of Ohio, sold and to be sold after the thirtieth day of June last, shall be applied in laying out roads within the State, under the direction of the Legislature thereof.

And if the Congress of the United States shall agree to the above addition to and modification of the said propositions, it is hereby declared and ordained, that every and each tract of land sold or to be sold by Congress, from and after the thirtieth day of June last, shall be and remain exempt from any tax laid by order or under the authority of this State, whether for State, county, township, or any other purpose whatever, for the term of five years after the day of sale, to be reckoned from the date of certificate of the first quarterly payment.

That whereas Congress, by a law entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates," passed the fifth day of May, 1792, did authorize the President of the United States to convey, by letters patent, unto the said John Cleves Symmes and his associates, their heirs and assigns, a certain tract of land therein described; and did further authorize the President, by the act aforesaid, to grant and convey unto the said John Cleves Symmes and his associates, their heirs and assigns, in trust, for the purpose of establishing an academy and other public schools and

seminaries of learning, one complete township, to be included and located within such limits and lines of boundary as the President may judge expedient; and, in pursuance thereof, the President did convey unto the said John Cleves Symmes and his associates, their heirs and assigns, by his letters patent, the aforesaid one complete township, to be located and accepted by the Governor of the territory northwest of the river Ohio; and, inasmuch as the township aforesaid has never been located and accepted, agreeable to the provision of the said act:

The convention recommend the following propositions to Congress, as an equivalent for the one complete township aforesaid, to wit: The lots numbered 8, 11, and 26, reserved in the several townships for the future disposition of Congress, or so many of the said lots as will amount to the number contained in the aforesaid complete township, to be vested in the Legislature, in trust, to and for the purposes for which the said township was originally intended to be designated by the Legislature of this State.

*Resolved*, That Thomas Worthington be appointed a special agent to lay the aforesaid resolution and propositions before Congress; and that said agent do endeavor to procure the assent of Congress thereto.

Passed in convention, at Chillicothe, the 29th day of November, 1802.

EDWARD TIFFIN,
*President of the Convention.*

THOMAS SCOTT,
*Secretary.*

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## FIRST CONSTITUTIONAL CONVENTION, CONVENED NOVEMBER 1, 1802.

### JOURNAL OF THE CONVENTION.

Begun and held at the town of Chillicothe, in the county of Ross, and territory aforesaid, on the first Monday in November (being the first day thereof) in the year of our Lord one thousand eight hundred and two, and of the Independence of the United States of America the twenty-seventh.

On which day, being the time and place appointed for the

meeting of the convention for the purpose of forming a constitution and State government, by the act of Congress entitled "An act to enable the people of the eastern division of the territory northwest of the Ohio River to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States and for other purposes," the following members appeared, who produced certificates of their having been duly chosen to serve in the convention, and having severally taken the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of their office, took their seats, to wit:

From the county of Adams: Joseph Darlinton, Thomas Kirker and Israel Donaldson.

From the county of Belmont: James Caldwell.

From the county of Hamilton: Francis Dunlavy, Joseph Paul, Jermiah Morrow, John Wilson, Charles Willing Byrd, William Goforth, John Smith and John Reily.

From the county of Jefferson: Rudolph Bair, John Milligan and George Humphrey.

From the county of Ross: Edward Tiffin, Nathaniel Massie, Thomas Worthington, Michael Baldwin and James Grubb.

From the county of Trumbull: Samuel Huntington.

On motion, the convention proceeded to the choice of a President protempore, when William Goforth, Esq., was chosen and took the chair.

On motion the convention proceeded to the choice of a Secretary protempore; whereupon Mr. William McFarland was chosen and proceeded to the duties of his office.

On motion,

*Resolved*, That a standing committee of Privileges and Elections, to consist of five members, be chosen by ballot, whose duty shall be to examine and report upon the credentials of the members returned to serve in the convention, and to take into consideration all such matters as shall or may be referred to them, touching returns and elections, and to report their proceedings, with their opinion thereon, to the convention.

And a committee was appointed of Mr. Worthington, Mr. Darlington, Mr. Smith, Mr. Milligan and Mr. Huntington.

On motion the convention proceeded, by ballot, to the choice of a door-keeper, to serve during the pleasure of the convention; and upon examining the ballots, a majority of the votes was found in favor of Adam Betz.

On motion,

Ordered, That a committee of three be appointed to prepare and report rules for the regulation and government of the convention; and that Mr. Reily, Mr. Milligan and Mr. Worthington, be the said committee.

And then the convention then adjourned until to-morrow morning, ten o'clock.

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*Tuesday, November 2, 1802.*

Several other members, to wit: From the county of Belmont, Elijah Woods; from the county of Fairfield, Emanuel Carpenter and Henry Abrams; from the county of Jefferson, Bazaleel Wells and Nathan Updegraff; from the county of Hamilton, John W. Browne; and from the county of Washington, Rufus Putnam, Ephraim Cuttler, John McIntire and Benjamin Ives Gilman, appeared, who severally produced certificates of their having been chosen as members of the convention, and having taken the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of their office, took their seats.

Mr. Worthington, from the committee of Privileges and Elections, to whom was referred the several returns of election of members to serve in the convention, made a report, which he delivered in at the Secretary's table, where the same was read in the words following, to wit:

The committee of Privileges and Elections, to whom was referred the certificates of the elections of the following members, viz:

From the county of Adams: Joseph Darlington, Thomas Kirker and Israel Donaldson, Esquires.

From the county of Belmont: James Caldwell, Esquire.

From the county of Clermont: Philip Gatch and James Sargent, Esquires.

From the county of Hamilton: Francis Dunlavy, John Paul,

Jermiah Morrow, John Wilson, Charles Willing Byrd, William Goforth, John Smith and John Reily, Esquires.

From the county of Jefferson: Rudolph Bair, John Milligan and George Humphrey, Esquires.

From the county of Ross, Edward Tiffin, Nathaniel Massie, Thomas Worthington, Michael Baldwin and James Grubb, Esquires.

From the county of Trumbull: Samuel Huntington, Esquire.

Having carefully examined the same, find them regular and agreeable to a law of the territory entitled "An act to ascertain the number of free male inhabitants of the age of twenty-one in the territory of the United States northwest of the river Ohio; and to regulate the elections of the Representatives of the same;" and that the members aforesaid, from the certificates to us referred, appear duly elected.

The said report was again read, and on the question, thereupon agreed to by the convention.

On motion,

*Resolved*, That the convention proceed, by ballot, to the choice of a President.

The convention accordingly proceeded to choose their President; and, upon examining the ballots, it was found that Edward Tiffin, Esquire, was duly chosen, who accordingly took his seat in the chair, and delivered the following address:

*Gentlemen:* I beg you to be assured that I duly appreciate the honor you have conferred in selecting me to preside over your deliberations on this important occasion; the duties of the chair will, I presume, be pleasing and easy, for, from the known characters of the gentlemen who compose this convention, there can be no doubt but that the utmost propriety and decorum will be observed, without the aid of interference from the chair. Whatever rules you may adopt for the government of the convention shall be strictly observed; and in every decision, which may be required from the chair, the utmost impartiality shall be evinced.

On motion,

*Resolved*, That the convention proceed, by ballot, to the choice of a Secretary, and that the person having a plurality of votes be elected.

The convention accordingly proceeded to choose their Secretary, and, upon examining the ballots, it was found that Thomas Scott, Esquire, was duly chosen, who thereupon took the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of his office.

On motion,

*Resolved*, That the convention proceed, by ballot, to the choice of an Assistant-Secretary.

The convention accordingly proceeded to the choice of an Assistant-Secretary; and, upon examining the ballots, a majority of the votes of the whole number was found in favor of Mr. William McFarland, who thereupon took the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of his office.

And then the convention adjourned until to-morrow morning, ten o'clock.

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*Wednesday, November 3, 1802.*

Another member, to wit, from the county of Hamilton, John Kitchel, who appeared, produced a certificate of his having been duly chosen as a member of the convention; and having taken the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of his office, took his seat.

Mr. Reily, from the committee appointed to prepare and report rules for the regulation and government of the convention, made a report which was received and read; whereupon,

*Resolved*, That the same be established as the standing rules and orders of the convention.

STANDING RULES AND ORDERS OF THE CONVENTION.

1. The President shall take the chair every day at the hour to which the convention shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. The President shall preserve decorum and order; may speak to points of order in preference to other members, rising

from the chair for that purpose; and shall decide questions of order, subject to an appeal to the convention by any one member.

3. The President, rising from his seat, shall distinctly put the question in this form, viz: "You who are of opinion that (as the case may be) say Aye; contrary opinion say No."

4. If the President doubts, or a division be called for, the members shall divide — those in the affirmative first rising in their seats, and afterwards those in the negative. If a count be required by any member, the President shall name two members, one from each side, to tell the numbers, beginning with the affirmative, report of the same being made to the President, he, rising from his seat, shall state the decision.

5. Any member may call for a statement of the question, which the President may give sitting.

6. The President, with five members, shall be a sufficient number to adjourn; seven to call a House and send for absent members, and make an order for their censure or discharge; and a majority of the whole number, consisting of two-thirds of the whole number elected, be a quorum to proceed to business.

7. When a member is about to speak in debate or deliver any matter to the convention, he shall rise from his seat and respectfully address himself to the Mr. President.

8. If any member, in speaking or otherwise, trangress the rules, the President shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the convention shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the convention.

9. When two or more happen to rise at the same time, the President shall name the person who is first to speak.

10. No member shall speak more than twice to the same question, without leave of the Convention.

11. While the President is putting the question or addressing the convention, none shall walk out or across the room; nor, when a member is speaking, entertain private discourse or pass between him and the chair.

12. No member shall vote on any question or in any case where he was not present when the question was put.

13. Upon calls of the convention for taking the yeas and nays on any question, the names of the members shall be called alphabetically; and each member shall answer from his seat.

14. Any member shall have the right to call for the yeas and nays, provided he shall request it before the question be put.

15. When a motion is made and seconded, it shall be stated by the President, or, being in writing, shall be read aloud by the Secretary; and every motion shall be reduced to writing, if the President or any member require it.

16. Any member may call for a division of the question, where the sense will admit of it.
where the sense will admit of it.

17. Each member shall particularly forbear personal reflection; nor shall any member name another in argument or debate.

18. After a motion is stated by the President or read by the Secretary, it shall be deemed to be in posession of the convention, but may be withdrawn at any time before a decision or amendment.

19. When a question is under debate, no motion shall be received unless it be the previous question, or for amending or committing the original motion or subject in debate.

20. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by three members; and, until it is decided, it shall preclude all amendment and further debate on the original motion.

21. In taking the sense of the convention, a majority of the votes of the members present shall govern.

22. If any member fails in attending to his duty, such officer as may be appointed for that purpose, by order of the convention shall take him into custody, for which the officer shall receive one dollar per day for the time he is traveling to and fro from the place of residence of the member, and until he is admitted to his seat, to be paid by the delinquent.

23. No resolution, section, or article in the constitution shall

be finally concluded and agreed upon, until the same shall have received three general readings.

24. The convention shall resolve itself into a committee of the whole when deemed necessary; and, when in committee of the whole, shall be governed by the foregoing rules, except that in committee of the whole, any member shall speak as often as he may think proper.

25. The President shall appoint committees, liable to addition or amendment, on the motion of any member, unless otherwise directed by the convention.

26. A motion to adjourn shall always be in order, and be decided without debate.

A motion was made and seconded, that Arthur St. Clair, Sen., Esq., be permitted to address the convention on those points which he deems of importance.

And on the question thereupon it was resolved in the affirmative — yeas, 19; nays, 14.

Those who voted in the affirmative are:

Messrs. Bair, Browne, Caldwell, Cutler, Dunlavy, Gilman, Humphrey, Huntington, McIntire, Massie, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraf, Wells and Woods.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Carpenter, Darlington, Donaldson, Gatch, Goforth, Grubb, Kitchel, Kirker, Milligan, Wilson and Worthington.

And thereupon Arthur St. Clair, Sr., Esq., was permitted to address the convention.

On motion, leave was given to lay before the convention a resolution on the subject of forming a constitution and State government; which resolution was received and read the first time.

On motion, the said resolution was read the second time; and thereupon

*Resolved,* That the convention will immediately resolve itself into a committee of the whole on the said resolution.

The convention accordingly resolved itself into the said committee, Mr. Goforth in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Goforth re-

ported that the committee had, according to order, had the said resolution under consideration and made no amendment thereto.

The said resolution was then amended at the Secretary's table and read the third time; on the question that the convention do agree to the same, in the words following:

WHEREAS, Congress did, by the law entitled, "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and State government, and for the admission of said State into the Union, on an equal footing with the original States, and for other purposes" (provide), that the members of the convention thus duly elected, agreeably to the act aforesaid, when met, shall first determine, by a majority of the whole number elected, whether it be or not be expedient, at this time, to form a constitution and a State government for the people within the said territory; therefore,

*Resolved*, That it is the opinion of the convention, that it is expedient, at this time, to form a constitution and State government.

It was resolved in the affirmative: Yeas, 32; nays, 1.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donaldson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, McIntire, Massie, Milligan, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

The vote in the negative was Mr. Cutler.

On motion,

*Resolved*, That a committee be appointed, to consist of one member from each county, to prepare and report a preamble and the first article of the constitution.

And a committee was appointed, to-wit: From the county of Hamilton, Mr. Byrd; from the county of Clermont, Mr. Gatch; from the county of Adams, Mr. Darlinton; from the county of Ross, Mr. Massie; from the county of Fairfield, Mr. Carpenter; from the county of Washington, Mr. Putnam; from the county of Jefferson, Mr. Milligan; from the county of Trumbull, Mr. Huntington, and from the county of Belmont, Mr. Caldwell.

On motion,

Ordered, That the following persons be added to the said committee, to-wit: From the county of Hamilton, Mr. Paul and Mr. Smith; from the county of Adams, Mr. Kirker; from the county of Ross, Mr. Worthington; from the county of Washington, Mr. Gilman, and from the county of Jefferson, Mr. Wells.

On motion,

Ordered, That Mr. McFarland, Assistant Secretary, attend the said committee.

On motion,

*Resolved,* That a committee of two be appointed to provide fuel and stationery; also, to contract for the necessary printing for the convention, and that Mr. Massie and Mr. Grubb be the said committee.

Mr. Worthington, from the committee of Privileges and Elections, to whom was referred the several returns of elections of members to serve in the convention, made a report, which he delivered in at the Secretary's table, where the same was read as followeth:

The committee of Privileges and Elections, to whom was referred the certificates of election of the following members, viz: From the county of Belmont, Elijah Woods, Esq.; from the county of Fairfield, Emanuel Carpenter and Henry Abrams, Esqs.; from the county of Hamilton, John W. Browne and John Kitchel, Esqs.; from the county of Jefferson, Nathan Updegraff and Bazaleel Wells, Esqs., and from the county of Washington, Rufus Putnam, Ephraim Cutler, John McIntire and Benjamin Ives Gilman, Esqs., having carefully examined the same, report that from the certificates to us referred the members aforesaid appear duly elected.

The said report was again read; and, on the question thereupon, agreed to by the convention.

And then the convention then adjourned until to-morrow, 12 o'clock.

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*Thursday, November 4, 1802.*

Mr. Putnam, from the committee appointed to prepare and report a preamble, and the first article of the constitution, re-

ported a preamble to the constitution, which was received and read the first time; whereupon,

*Resolved*, That the convention will immediately resolve itself into a committee of the whole convention on the said preamble.

The convention, accordingly, resolved itself into the said committee, Mr. Reily in the chair; and, after some time spent therein, Mr. President resumed the chair, and Mr. Reily reported that the committee had, according to order, had the said preamble under consideration, and made an amendment thereto, which he delivered in at the Secretary's table.

Ordered, That the said preamble, with the amendment, do lie on the table.

On motion,

Ordered, That the committee appointed to provide fuel and stationery, also to contract for the printing for the present convention, be directed to inquire of the printer what seven hundred copies of the Journal and constitution will cost; what every additional three hundred copies will cost, and report the same to the convention.

On motion,

Ordered, That a committee of three be appointed to revise the Journal of the convention before it goes to the press.

And a committee was appointed of Mr. Reily, Mr. Gilman and Mr. Donaldson.

On motion,

Ordered, That a committee of nine be appointed to prepare and report a bill of rights and a schedule for the purpose of carrying into complete operation the constitution and government.

And a committee was appointed of Mr. Goforth, Mr. Dunlavy, Mr. Browne, Mr. Baldwin, Mr. Grubb, Mr. Woods, Mr. Updegraff, Mr. Cutler and Mr. Donaldson.

And then the convention adjourned until to-morrow, 12 o'clock.

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*Friday, November 5, 1802.*

A motion was made and seconded that the convention expunge from their Journal the resolution and all the proceed-

ings relative thereto which authorized the President to enclose to his excellency the Governor, and those members of the territorial Legislature who are not in the convention, their opinion on the impropriety of holding another session of the territorial Legislature.

And on the question, "Will the convention agree to the same?" it was resolved in the affirmative—yeas, 25; nays, 8.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abrams, Bair, Browne, Cutler, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, McIntire, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson and Woods.

Those who voted in the negative are:

Messrs. Baldwin, Byrd, Caldwell, Carpenter, Darlinton, Massie, Milligan and Worthington.

On motion,

*Resolved,* That the President, in behalf of the convention, request the Governor to dissolve or prorogue the present territorial Legislature.

Mr. Massie, from the committee directed to inquire of the printers what seven hundred copies of the constitution will cost, also what every additional three hundred copies will cost, made a report, which was received and read the first time; whereupon,

Ordered, That the said report be committed to Mr. Smith, Mr. Darlington, Mr. Massie, Mr. Cutler and Mr. Barr.

And then the convention adjourned until to-morrow morning, 10 o'clock.

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*Saturday, November 6, 1802.*

Mr, Putnam, from the committee appointed to prepare and report a preamble, and the first article of the constitution, reported the first article of the constitution, which was received and read the first time; whereupon,

Ordered, That the said article be committed to a committee of the whole convention on Monday next.

On motion,

Ordered, That forty copies of the same articles be printed for the use of the members and officers of the convention.

On motion,

Ordered, That a committee be appointed to prepare and report the second article of the constitution on the supreme executive authority.

And a committee was appointed of Messrs. Paul, Byrd, Smith, Gatch, Darlington, Kirker, Massie, Worthington, Carpenter, Putnam, Gilman, Huntington, Milligan, Wells and Caldwell.

The convention proceeded to consider the amendment reported on Thursday last, from the committee of the whole convention, to the preamble to the constitution; and the same being read was agreed to.

And then the convention proceeded to consider the amendment reported on Thursday last, from the committee of the whole convention, to the preamble of the constitution; and the same being read was agreed to.

And then the convention adjourned until Monday morning, 10 o'clock.

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*Monday, November 8, 1802.*

The convention, according to the order of the day, resolved itself into a committee of the whole convention on the first article of the constitution, Mr. Darlinton in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Darlinton reported that the committee had, according to order, had the said article under consideration and made some progress therein.

*Resolved,* That the convention will to-morrow again resolve itself into a committee of the whole convention on the said article.

And then the convention adjourned until to-morrow morning, 10 o'clock.

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*Tuesday, November 9, 1802.*

Mr. Massie, from the committee appointed to prepare and report the second article of the constitution on the supreme

executive authority, made report, which was received and read the first time; whereupon,

Ordered, That the said article be committed to a committee of the whole convention to-morrow.

Mr. Smith, from the committee to whom was referred the proposals of Mr. Nathaniel Willis, and Messrs. Carpenter and Findlay, for printing the Journal and constitution now framing, made a report, which was received and read the first time, and ordered to lie on the table.

The convention, according to the order of the day, again resolved itself into a committee of the whole convention, on the first article of the constitution, Mr. Darlinton in the chair; and Mr. Darlinton reported that the committee had, according to order, again had the said article under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

On motion,

Ordered, That a committee be appointed to prepare and report the third article of the constitution on the judiciary.

And a committee was appointed of Mr. Paul, Mr. Byrd, Mr. Smith, Mr. Gatch, Mr. Darlinton, Mr. Kirker, Mr. Massie, Mr. Worthington, Mr. Carpenter, Mr. Putnam, Mr. Gilman, Mr. Milligan, Mr. Wells, Mr. Caldwell and Mr. Huntington.

And then the convention adjourned until to-morrow morning, 10 o'clock.

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*Wednesday, November 10, 1802.*

A motion was made and seconded that Mr. Nathaniel Willis be appointed printer to the convention.

And on the question thereupon, it was resolved in the affirmative—yeas, 27; nays, 5.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donaldson, Gatch, Gilman, Goforth,

Grubb, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Morrow, Putnam, Sargent, Smith, Updegraff, Wilson, Woods and Worthington.

Those who voted in the negative are:

Messrs. Dunlavy, Kitchel, Paul, Reily and Wells.

On motion,

Ordered, That Mr. Baldwin be added to the committee appointed to prepare and report the third article of the constitution on the judiciary.

The convention, according to the order of the day, resolved itself into a committee of the whole convention on the second article of the constitution on the supreme executive authority, Mr. Massie in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Massie reported that the committee had, according to order, had the said article under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

On motion,

Ordered, That Mr. Reily be added to the committee appointed to prepare and report a bill of rights and a schedule for the purpose of carrying into complete operation the constitution and government.

On motion,

That a committee be appointed to contract with Mr. Nathaniel Willis, printer, of Chillicothe, for the printing of seven hundred copies of the Journal of the convention, and one thousand copies of the constitution, now framing, in octavo, on the terms proposed by the said Willis; and also for such printing as may be found necessary during the sitting of the convention, on the same terms that such printing hath heretofore been contracted for by the Legislature of the territory; and that Mr. Darlinton and Mr. Reily be the said committee.

And then the convention adjourned until to-morrow morning, 12 o'clock.

*Thursday, November 11, 1802.*

Mr. Goforth, from the committee appointed to prepare and report a bill of rights and a schedule for the purpose of carrying into complete operation the constitution and government, reported a bill of rights, which was received and read the first time; whereupon,

Ordered, That the said bill of rights be committed to a committee of the whole convention to-morrow.

And then the convention adjourned until to-morrow morning, 12 o'clock.

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*Friday, November 12, 1802.*

On motion,

Ordered, That a committee of five be appointed to prepare and report the fourth article of the constitution, designating the qualification of electors.

And a committee was appointed of Mr. Morrow, Mr. Paul, Mr. Kirker, Mr. Grubb and Mr. Bair.

Mr. Smith, from the committee appointed to prepare and report the third article of the constitution on the judiciary, made a report, which was received and read the first time; whereupon,

Ordered, That the said article be committed to a committee of the whole convention to-morrow.

The convention, according to the order of the day, resolved itself into a committee of the whole convention, on the bill of rights, Mr. Worthington in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Worthington reported that the committee had, according to order, had the said bill of rights under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said bill of rights, with the amendments, do lie on the table.

Another member, to-wit: From the county of Trumbull, David Abbot, who appeared, produced a certificate of his having been duly chosen as a member in the convention, and having taken the oath of fidelity to the United States, and also an oath to faithfully discharge the duties of his office, took his seat.

On motion leave was given to lay before the convention a resolution for submitting the constitution, or frame of government, now preparing, to the people of the eastern division of the territory northwest of the Ohio, for their acceptance or disapprobation, which resolution was received and read the first time; whereupon,

Ordered, That the said resolution be committed to a committee of the whole convention to-morrow.

On motion,

Ordered, That a committee of six be appointed to prepare and report the sixth article of the constitution, designating the manner in which sheriffs, coroners, and certain other civil officers shall be chosen or appointed.

And a committee was appointed of Messrs. Kitchel, Wilson, McIntire, Abbot, Gilman and Baldwin.

On motion,

Ordered, That a committee of five be appointed to prepare and report the fifth article of the constitution, declaring the manner in which militia officers shall be chosen or appointed.

And a committee was appointed of Mr. Putnam, Mr. Byrd, Mr. Massie, Mr. Worthington and Mr. Sargent.

And then the convention adjourned until to-morrow morning, 10 o'clock.

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*Saturday, November 13, 1802.*

Mr. Worthington, from the committee appointed to prepare and report the fifth article of the constitution, declaring the manner in which militia officers shall be chosen or appointed, made a report, which was received and read the first time; whereupon,

Ordered that the said article be committed to a committee of the whole convention on Monday next.

Mr. Morrow, from the committee appointed to prepare and report the fourth article of the constitution, designating the qualifications of electors, made a report, which was received and read the first time; whereupon,

Ordered, That the said article be committed to a committee of the whole convention on Monday next.

The convention, according to the order of the day, resolved itself into a committee of the whole convention, on the resolution for submitting the constitution or frame of government, now preparing for the people of the eastern division of the territory northwest of the Ohio, for their acceptance or disapprobation, Mr. Byrd in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Byrd reported that the committee had, according to order, had the said resolution under consideration, and directed him to report to the convention their disagreement to the same.

On the question that the convention do agree with the committee of the whole convention, in their disagreement to the said resolution, in the words following:

*Resolved*, That the constitution or frame of government by this convention prepared for the people of the eastern division of the territory northwest of the Ohio, be submitted to them for their acceptance and confirmation, in the following manner, to wit: Meetings of the people for that purpose shall be holden in the several election districts in each county on the —— day of —— next, at which meetings the opinion of the people shall be taken by ballot; those who are for accepting the constitution shall give in a ballot with the word "Yea" wrote thereon, and those in the negative opinion a ballot with the word "Nay" on it. Judges shall be chosen to preside, who shall receive, count, and certify the number of yeas and nays to the Prothonotary, in the same manner as provided by law for the election of Representatives to the General Assembly; the Prothonotary, in the presence of the Sheriff and two Justices of the Peace, shall count the yeas and nays, and make return thereof, sealed up, to —— on or before the —— day of ——.

And be it further

*Resolved*, That —— be, and they are hereby, appointed a committee, who, on the —— day of —— next, shall meet at —— and they, or a majority of them, shall open the returns of the several Prothonotaries and count the number of yeas and nays, and if there appears a majority of the people for accepting the constitution, the committee shall give notice thereof in the newspapers printed at Cincinnati, Chillicothe and Marietta; and the election of the Governor and members of the two Houses of the General Assembly shall proceed as provided for by the constitution. But if it appears that there is not a majority of the people for accepting of the constitution, then the committee

aforesaid be, and they are hereby, vested with power, in the name and by the authority of this convention, to call another convention for the purpose of amending this or forming a constitution, to be confirmed, by the said convention, without further reference to the people.

It was resolved in the affirmative: yeas, 27; nays, 7.

Those who voted in the affirmative are:

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, Massie, Milligan, Morrow, Paul, Sargent, Smith, Wilson, Woods and Worthington.

Those who voted in the negative are:

Messrs. Cutler, Gilman, McIntire, Putnam, Reily, Updegraff and Wells.

The convention, according to the order of the day, resolved itself into a committee of the whole convention on the third article of the constitution on the judiciary, Mr. Smith in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Smith reported that the committee had, according to order, had the said article under consideration and made some progress therein.

*Resolved*, That the convention will, on Monday next, again resolve itself into a committee of the whole convention on the said article.

And then the convention adjourned until Monday morning, ten o'clock.

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*Monday, November 15, 1802.*

The convention, according to the order of the day, again resolved itself into a committee of the whole convention, on the third article of the constitution of the judiciary, Mr. Massie in the chair; and after some time spent therein, Mr. President resumed the chair; and Mr. Massie reported that the committee had, according to order, again had the said article under consideration, and made a further progress therein.

*Resolved*, That the convention will to-day again resolve itself into a committee of the whole convention on the said article.

Mr. Worthington, from the committee of Privileges and Elections, to whom was referred the return of election of David Abbot, from the county of Trumbull, to serve in the convention, made a report, which he delivered in at the Secretary's table, where the same was read and agreed to, in the words following, to wit:

The committee of Privileges and Elections, having examined the certificate of the election of David Abbot, Esquire, from the county of Trumbull, find the same agreeable to law; and further report that it appears from the certificate aforesaid that the said David Abbot, Esquire, is duly elected, as a Representative of the convention from the county aforesaid.

The convention, according to the order of the day, again resolved itself into a committee of the whole convention, on the third article of the constitution on the judiciary, Mr. Smith in the chair, and after some time spent therein, Mr. President resumed the chair; and Mr. Smith reported that the committee had, according to order, again had the said article under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

On motion,

Ordered, That the said article, with the amendments thereto, be recommitted to Mr. Byrd, Mr. Huntington and Mr. Darlinton.

The several orders of the day were further postponed until to-morrow.

And then the convention adjourned until to-morrow morning, ten o'clock.

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*Tuesday, November 16, 1802.*

Mr. Kitchel, from the committee, appointed to prepare and report the sixth article of the constitution, designating the manner in which Sheriffs, Coroners, and certain other civil officers shall be chosen or appointed, made a report, which was received and read the first time, whereupon,

Ordered, That the said article be committed to a committee of the whole convention to-day.

Mr. Darlinton, from the committee appointed to contract

with Mr. Nathaniel Willis, printer, of Chillicothe, for the printing of seven hundred copies of the Journal of the convention and one thousand copies of the constitution now framing, in octavo, and also for such other printing as may be found necessary, reported that the committee had made the said contract, which he delivered in at the Secretary's table, where the same was read and agreed to by the convention.

Mr. Byrd, from the committee to whom was recommitted the third article of the constitution on the judiciary, reported an amendatory article on the judiciary, which was received and read for the first time.

On motion,

Ordered, That the said article be committed to a committee of the whole convention to-morrow.

The convention, according to the order of the day, resolved itself into a committee of the whole convention on the fourth article of the constitution, designating the qualifications of electors, Mr. Baldwin in the chair; and after some time spent therein, Mr. President resumed the chair; and Mr. Baldwin reported that the committee had, according to order, had the said article under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

The convention, according to the order of the day, resolved itself into a committee of the whole convention, on the fifth article of the constitution, declaring the manner in which militia officers shall be chosen or appointed, Mr. Wells in the chair; and, after some time spent therein, Mr. President resumed the chair; and Mr. Wells reported that the committee had according to order, had the said article under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

On motion,

Ordered, That a committee of five be appointed to prepare

and report an article comprehending the general regulations and provisions of the constitution.

And a committee was appointed of Mr. Smith, Mr. Huntington, Mr. Worthington, Mr. Darlinton and Mr. Abrams.

On motion,

Ordered, That a committee, to consist of one member from each county, be chosen by ballot, whose duty it shall be to take into consideration the propositions made by Congress, for the acceptance or rejection of the convention, and report their opinion thereupon.

And a committee was accordingly chosen, to wit: From the county of Adams, Mr. Darlinton; from the county of Belmont, Mr. Woods; from the county of Clermont, Mr. Gatch; from the county of Fairfield, Mr. Carpenter; from the county of Jefferson, Mr. Wells; from the county of Hamilton, Mr. Byrd; from the county of Ross, Mr. Worthington; from the county of Trumbull, Mr. Huntington; and from the county of Washington, Mr. Putnam.

The convention, according to the order of the day, resolved itself into a committee of the whole convention on the sixth article of the constitution, designating the manner in which Sheriffs, Coroners and certain other civil officers, shall be chosen or appointed, Mr. Gilman in the chair; and, after some time spent therein, Mr. President resumed the chair; and Mr. Gilman reported that the committee had, according to order, had the said article under consideration and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

And then the convention adjourned until to-morrow, twelve o'clock.

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*Wednesday, November 17, 1802.*

Mr. Goforth, from the committee appointed to prepare and report a Bill of Rights and Schedule, for the purpose of carrying into complete operation the constitution and government,

reported a Schedule, which was received and read the first time; whereupon,

Ordered, That the said Schedule be committed to a committee of the whole convention to-morrow.

The convention, according to the order of the day, resolved itself into a committee of the whole convention on the third article of the constitution on the Judiciary, Mr. Smith in the chair; and, after some time spent therein, Mr. President resumed the chair; and Mr. Smith reported that the committee had, according to order, had the said article under consideration and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

And then the convention adjourned until to-morrow morning, ten o'clock.

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*Thursday, November 25, 1802.*

Mr. Smith, from the Committee appointed to prepare and report the seventh article of the constitution, comprehending the general regulations and provisions of the Constitution, made a report, which was received and read the first time; whereupon,

Ordered, That the said article be committed to a committee of the whole convention to-morrow.

The convention, according to the order of the day, resolved itself into a committee of the whole convention, on the Schedule to the constitution, Mr. Byrd in the chair; after some time spent therein, Mr. President resumed the chair; and Mr. Byrd reported that the committee had, according to order, had the said Schedule under consideration and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said Schedule, with the amendments, do lie on the table.

The convention proceeded to consider the amendments reported on the ninth instant, from the committee of the whole convention, to the first article of the constiution; and, the same being read, some were agreed to and others disagreed to.

A motion was then made further to amend the said article at the Secretary's table, by striking out, after the word "of," in the second line of the fourth section, the words "twenty-five"; and on the question thereupon, it passed in the negative — yeas, 10; nays, 23.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Baldwin, Carpenter, Darlinton, Grubb, Humphrey, Kirker, Kitchel, Milligan, Morrow and Smith.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Bair, Browne, Byrd, Caldwell, Cutler, Donalson, Gatch, Gilman, Goforth, Huntington, McIntire, Massie, Paul, Putnam, Riley, Sargent, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made further to amend the said article by striking out, after the word "chosen," in the first line of the fifth section, the word "biennially," and to insert in lieu thereof the word "annually"; and on the question thereupon, it passed in the negative — yeas, 15; nays, 18.

And the yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Abrams, Baldwin, Browne, Carpenter, Darlinton, Donalson, Gatch, Grubb, Humphrey, Kitchel, Milligan, Sargent, Wilson and Worthington.

Those who voted in the negative are:

Messrs. Byrd, Caldwell, Cutler, Dunlavy, Gilman, Goforth, Huntington, Kirker, McIntire, Massie, Morrow, Paul, Putnam, Reily, Smith, Updegraff, Wells and Woods.

Another motion was then made further to amend the said article by striking out, after the word "than," in the sixth line of the sixth section, these words, "one-third"; and on the question thereupon, it passed in the negative — yeas, 8; nays, 25.

The yeas and nays being demanded, those voted in the affirmative are:

Messrs. Abbot, Caldwell, Carpenter, Humphrey, Kirker, Milligan, Morrow and Worthington.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Cutler, Don-

alson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Huntington, Kitchel, McIntire, Massie, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson and Woods.

Another motion was then made further to amend the said article; and debate arising thereon, an adjournment was called for. And then the convention adjourned until three o'clock, P. M.

The convention met at three o'clock, P. M.

A motion was made to amend the standing rules and orders of the convention by inserting after the word "it" in the second line of the sixteenth rule these words, "unless the ayes and noes have been previously called for"; and on the question thereupon, agreed to by the convention.

The convention resumed the consideration of the amendments reported on the ninth instant, from the committee of the whole convention, to the first article of the constitution; whereupon,

The sixteenth section of the said article being under consideration, in the words following:

"Section 16. Bills may originate in either House, but may be altered, amended, or rejected by the other."

A motion was made to strike out the said section and insert in lieu thereof a section in the words following:

Section 16. Bills may originate in either House, but the other House may propose alterations and amendments; and whenever the House of Representatives and Senate disagree, a conference shall be held, in the presence of both, and shall be managed by committees to be by them respectively chosen; and after such conference had the points in difference, whether it be the alteration, amendment, or rejection of the bill, shall be determined by the joint vote of the members of both Houses.

And on the question that the convention do agree to the same, it passed in the negative — yeas, 10; nays, 24.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Browne, Carpenter, Dunlavy, Grubb, Kitchel, Milligan, Morrow, Paul and Wilson.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Bair, Byrd, Caldwell, Cutler, Darlinton, Donalson, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, McIntire, Massie, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Woods and Worthington.

Another motion was then made further to amend the said article at the Secretary's table; and debate arising thereon, an adjournment was called for.

And then the convention adjourned until to-morrow morning, ten o'clock.

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*Friday, November 19, 1802.*

A petition of sundry of the inhabitants of the county of Clermont was presented to the convention and read, praying that those privileges which are the absolute right of all men may be secured to them, etc.; whereupon,

Ordered, That said petition do lie on the table.

The convention resumed the consideration of the amendments reported on the ninth instant, from the committee of the whole convention, to the first article of the constitution, whereupon,

The amendment moved yesterday to the said article being under consideration, which was to strike out the nineteenth section, in the words following:

Section 19. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall not exceed two dollars a day, during their attendance on the sessions of the respective Houses, and two dollars for every twenty-five miles travel in going to and returning from their respective sessions by the most usual route; provided, that the same may be increased or diminished by law; but no alteration shall be made,

And insert in lieu thereof a section in the words following:

Section 19. The Legislature of this State shall not allow the following officers of government greater annual salaries than as follows, until the year ——, to wit:

The Governor not more than —— dollars.

The Judges of the Supreme Court not more than —— dollars.

The Secretary not more than —— dollars.

The Treasurer not more than —— per cent. for receiving and paying out all moneys.

No member of the Legislature shall receive more than —— dollars per day, nor more for every —— miles he shall travel in going to and returning from the General Assembly.

And on the question that the convention agree to the same it was resolved in the affirmative — yeas, 21; nays, 13.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Abrams, Bair, Browne, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Humphrey, Huntington, Kirker, Kitchel, Milligan, Morrow, Paul, Sargent, Updegraff, Wilson and Worthington.

Those who voted in the negative are:

Messrs. Baldwin, Byrd, Cutler, Gilman, Goforth, Grubb, McIntire, Massie, Putnam, Reily, Smith, Wells and Woods.

A motion was made to amend the said section by adding after the word "than," in the fourth (fifth) line, these words, "twelve hundred."

And on the question thereupon, it passed in the negative— yeas, 13; nays, 21.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Baldwin, Byrd, Caldwell, Cutler, Gilman, Goforth, Huntington, Massie, Putnam, Smith, Wells and Woods.

Those who voted in the negative are:

Messrs. Abrams, Bair, Browne, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Kirker, Kitchel, McIntire, Milligan, Morrow, Paul, Reily, Sargent, Updegraff, Wilson and Worthington.

Another motion was then made; and the question being put further to amend the said section by inserting after the word "than", in the fourth (fifth) line, the words, "one thousand," it was resolved in the affirmative—yeas, 23; nays, 11.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abrams, Baldwin, Browne, Caldwell, Carpenter, Cutler, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Putnam, Sargent, Smith, Updegraff, Wells, Woods and Worthington.

Those who voted in the negative are:

Messrs. Abbot, Bair, Byrd, Darlinton, Donalson, Dunlavy, Kitchel, Morrow, Paul, Reily and Wilson.

Another motion was then made; and the question being put further to amend the said section by inserting after the word "than", in the eighth line, these words, "six hundred", it passed in the negative—yeas, 5; nays, 29.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Baldwin, Byrd, Gilman, Massie and Wells.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Bair, Browne, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, McIntire, Milligan, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wilson, Woods and Worthington.

Another motion was then made; and the question being put further to amend the said section, by inserting after the word "than", in the fourteenth line, these words, "two dollars", it was resolved in the affirmative—yeas, 25; nays, 9.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Abrams, Bair, Byrd, Carpenter, Cutler, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, McIntire, Milligan, Morrow, Putnam, Reily, Sargent, Smith Updegraff, Wells and Worthington.

Those who voted in the negative are:

Messrs. Baldwin, Caldwell, Darlinton, Donalson, Gilman, Massie, Paul, Wilson and Woods.

Another motion was then made; and the question being put further to amend the said section, by adding to the end of the section a proviso in the words following: "Provided that no member of this convention shall be appointed to any office created by this constitution, until the expiration of one year

after the constitution shall take effect, except such officers as are hereby made elective by the people, and to county offices," it passed in the negative—yeas, 3; nays, 31.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Paul and Reily.

Those who voted in the negative are:

Messrs. Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Humphrey, Kirker, Kitchel, McIntire, Massie, Milligan, Morrow, Putnam, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made; and the question being put to amend the said section, by inserting between the seventh and eighth lines of the section, the words following: "The Auditor of Public Accounts, not more than seven hundred and fifty dollars," it was resolved in the affirmative—yeas, 17; nays, 17.

The convention being equally divided, and Mr. President declaring himself with the yeas.

The yeas and nays being demanded, were as follows:

Yeas—Messrs. Abrams, Browne, Byrd, Carpenter, Dunlavy, Gatch, Gilman, Goforth, Humphrey, Kitchel, Massie, Morrow, Paul, Reily, Sargent, Wilson and Worthington.

Nays—Messrs. Abbot, Baldwin, Bair, Caldwell, Cutler, Darlinton, Donalson, Grubb, Huntington, Kirker, McIntire, Milligan, Putnam, Smith, Updegraff, Wells and Woods.

Another motion was then made; and the question being put further to amend the said section, by inserting after the word "greater", in the second line of the section, these words, "nor less", it passed in the negative—yeas, 5; nays, 29.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Baldwin, Byrd, Gillman, Wells and Woods.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Bair, Browne, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, McIntire, Massie, Mil-

ligan, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Woods and Worthington.

The said section was further amended at the Secretary's table; and on the question that the convention do receive the said section, as amended, in the words following:

Section 19. The Legislature of this State shall not allow the following officers of the government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to-wit: The Governor not more than one thousand dollars, the Judges of the Supreme Court not more than one thousand dollars each, the Secretary not more than five hundred dollars, the Auditor of Public Accounts not more than seven hundred and fifty dollars, the Treasurer not more than four hundred and fifty dollars. No member of the Legislature shall receive more than two dollars per day during his attendance on the Legislature, nor more for every twenty-five miles he shall travel in going to and returning from the General Assembly.

It was resolved in the affirmative—yeas, 21; nays, 13.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abrams, Bair, Browne, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Kirker, Kitchel, Milligan, Morrow, Paul, Sargent, Smith, Updegraff, Wilson and Worthington.

Those who voted in the negative are:

Messrs. Abbot, Baldwin, Byrd, Cutler, Gillman, Goforth, Huntington, McIntire, Massie, Putnam, Reily, Wells and Woods.

The said article was further amended at the Secretary's table, and with the amendments, was ordered to lie on the table.

The convention, according to the order of the day, resolved itself into a committee of the whole convention, on the seventh article of the constitution, comprehending the general regulations and provisions of the constitution, Mr. Smith in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Smith reported that the committee had, according to order, had the said article under consideration and made some progress therein.

*Resolved,* That the convention will to-morrow again resolve itself into a committee of the whole convention on the said article.

And then the convention adjourned until to-morrow morning, 9 o'clock.

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*Saturday, November 20, 1802.*

The convention, according to the order of the day, again resolved itself into a committee of the whole convention on the seventh article of the constitution, comprehending the general regulations and provisions of the constitution, Mr. Smith in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Smith reported that the committee had, according to order, again had the said article under consideration and made several amendments thereto, which he delivered at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

The convention proceeded to consider the amendments reported on the tenth instant, from the committee of the whole convention, to the second article of the constitution on the supreme executive authority, and the same being read, were agreed to by the convention.

The said article was further amended at the Secretry's table, and, together with the amendments, ordered to lie on the table.

The convention proceeded to consider the amendments reported on the twelfth instant, from the committee of the whole convention, to the bill of rights, and the same being read, some were agreed to and others disagreed to.

A motion was then made to amend the said bill of rights at the Secretary's table, by striking out after the word "convicted", in the fourth line of the second section, the words following: "Nor shall any male person arrived at the age of twenty-one years, or female person arrived at the age of eighteen years, be held to serve any person as a servant under pretense of indenture or otherwise, unless such person shall enter into such indenture, while in a state of perfect freedom, and on condition of a bona

fide consideration, received or to be received for their service, except as before excepted.

And on the question thereupon, it passed in the negative—yeas, 12; nays, 21.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Bair, Caldwell, Dunlavy, Grubb, Kitchel, Morrow, Paul, Reily, Sargent, Smith and Wilson.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Browne, Byrd, Carpenter, Cutler, Darlinton, Donalson, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, McIntire, Milligan, Putnam, Updegraff, Wells, Wood and Worthington.

Another motion was then made further to amend the said section, by inserting after the word "convicted", in the fourth line of the said section, the words following: "Nor shall there be either slavery or involuntary servitude ever admitted in any State to be erected on the northwest side of the river Ohio, within the limits of the United States, except as above excepted."

And on the question thereupon, it passed in the negative—yeas, 2; nays, 31.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Paul and Reily.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, McIntire, Milligan, Morrow, Putnam, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made further to amend the said article, by striking out after the word "and", in the ninth and tenth lines of the third section, the words following: "No religious test shall be required as a qualification to any office of trust or profit," and to insert in lieu thereof the words: "No person who denies the being of a God or a future state of rewards and punishments shall hold any office in the civil department of this State."

And on the question thereupon, it passed in the negative—yeas, 3; nays, 30.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Caldwell, Humphrey and Milligan.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Huntington, Kirker, Kitchel, McIntire, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made further to amend the said article, by inserting a new section between the twenty-second and the twenty-third sections, in the words following, "that the laying taxes by the poll is grievous and oppressive; therefore the Legislature shall never levy a poll-tax for county or State purposes."

And on the question that the convention do agree the same, it was resolved in the affirmative—yeas, 26; nays, 7.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Goforth, Grubb, Huntington, Kirker, Kitchel, Milligan, Morrow, Paul, Sargent, Smith, Wells, Wilson, Woods and Worthington.

Those who voted in the negative are:

Messrs. Gatch, Gilman, Humphrey, McIntire, Putnam, Reily and Updegraff.

Another motion was made further to amend the said article, and debate arising thereon, an adjournment was called for.

And then the convention adjourned until Monday morning.

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*Monday, November 22, 1802.*

The convention resumed the consideration of the amendments reported on the twelfth instant, from the committee of the whole convention, to the bill of rights, and the same being further amended, was ordered to lie on the table.

The Convention proceeded to consider the amendments reported on the seventh instant, from the committee of the whole convention, to the third article of the constitution, on the judiciary; whereupon,

Ordered, That the said article be recommitted to a committee of the whole convention.

The convention proceeded to consider the amendments reported on the sixteenth instant, from the committee of the whole convention, to the fourth article of the constitution, designating the qualifications of electors, and the same being read, were agreed to by the convention.

A motion was then made further to amend the said article at the Secretary's table, by striking out after the word "all", in the first line of the first section, the word "white".

And on the question thereupon, it passed in the negative—yeas, 14; nays, 19.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Browne, Cutler, Dunlavy, Gatch, Gilman, Goforth, Grubb, Kitchel, Paul, Putnam, Sargent, Updegraff, Wells and Wilson.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Bair, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Morrow, Reily, Smith, Woods and Worthington.

Another motion was then made further to amend the said section, by striking out after the word "election", in the third line, the words following, "and who have paid or are charged with a State or county tax."

And on the question thereupon, it passed in the negative—yeas, 8; nays, 26.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Baldwin, Bair, Browne, Caldwell, Grubb, Milligan, Sargent and Worthington.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Byrd, Carpenter, Cutler, Darlin-

ton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, Kitchel, McIntire, Massie Morrow, Paul, Putnam, Reily, Smith, Updegraff, Wells, Wilson and Woods.

Another motion was then made further to amend the said section, by adding to the end of the section a proviso in the words following:

"Provided, that all male negroes and mulattoes now residing in this territory shall be entitled to the right of suffrage, if they shall within —— months make a record of their citizenship."

And on the question thereupon, it was resolved in the affirmative — yeas, 19; nays, 15.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Byrd, Cutler, Darlinton, Dunlavy, Gatch, Gilman, Goforth, Grubb, Kitchel, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells and Wilson.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Bair, Browne, Caldwell, Carpenter, Donalson, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Woods and Worthington.

Another motion was then made further to amend the said section by adding to the end of the section a proviso in the words following:

"And provided also, That the male descendants of such negroes and mulattoes as shall be recorded, shall be entitled to the same privilege."

And on the question thereupon, it passed in the negative — yeas, 16; nays, 17.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Browne, Byrd, Cutler, Darlinton, Dunlavy, Gilman, Goforth, Grubb, Kitchel, Morrow, Paul, Putnam, Sargent, Updegraff, Wells and Wilson.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Baldwin, Bair, Caldwell, Carpenter, Donalson, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Reily, Smith, Woods and Worthington.

The said article was further amended at the Secretary's table, and, with the amendments, ordered to lie on the table.

The convention proceeded to consider the amendments reported on the sixteenth instant, from the committee of the whole convention, to the fifth article of the constitution, declaring the manner in which militia officers shall be chosen or appointed; and the same being read, were agreed to by the convention.

The said article was further amended at the Secertary's table, and, with the amendments, was ordered to lie on the table.

The convention proceeded to consider the amendments reported on the twelfth instant, from the committee of the whole convention, to the seventh article of the constitution, comprehending the general regulations and provisions of the constitution; and the same being read, some were agreed to and others disagreed to.

A motion was then made further to amend the said article at the Secretary's table by striking out after the words, "a majority," and insert in lieu thereof these words, "two-thirds."

And on the question thereupon, it passed in the negative — yeas, 1; nays, 33.

The yeas and nays being demanded, the vote in the affirmative was:

Mr. Kirker.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kitchel, McIntire, Massie, Milligan, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made further to amend the said article by adding a new section, as the seventh section, in the words following:

Section 7. No negro or mulatto shall ever be eligible to any office, civil or military, or give their oath in any court of justice against a white person, be subject to do military duty, or pay a poll-tax in this State; provided always, and it is fully understood and declared, that all negroes and mulattoes now in, or who may hereafter reside in, this State, shall be entitled to all

the privileges of citizens of this State, not excepted by this constitution.

And on the question thereupon, it was resolved in the affirmative — yeas 19; nays, 16.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abrams, Baldwin, Bair, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Grubb, Humphrey, Kirker, McIntire, Massie, Milligan, Morrow, Smith, Tiffin, Woods and Worthington.

Those who voted in the negative are:

Messrs. Abbot, Browne, Cutler, Dunlavy, Gatch, Gilman, Goforth, Huntington, Kitchel, Paul, Putnam, Reily, Sargent, Updegraff, Wells and Wilson.

The article was further amended at the Secretary's table, and, with the amendments, was ordered to lie on the table.

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*Tuesday, November 23, 1802.*

The convention, according to the order of the day, resolved itself into a committee of the whole convention, on the third article of the constitution, on the judiciary, Mr. Baldwin in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Baldwin reported that the committee had, according to order, had the said article under consideration and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

The convention proceeded to consider the amendments reported on the 18 inst., from the committee of the whole convention, to the schedule to the constitution; and the same being read, were agreed to by the convention.

A motion was made further to amend the said article at the Secretary's table by striking out after the word "and," in the fourth line of the seventh section, the word "eight," and to insert in lieu thereof the word "ten."

And on the question thereupon, it was resolved in the affirmative — yeas, 19; nays, 14.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Browne, Byrd, Carpenter, Cutler, Donalson, Dunlavy, Goforth, Kirker, Kitchel, Massie, Morrow, Paul, Putnam, Reily, Smith, Wells, Wilson, Woods and Worthington.

Those who voted in the negative are:

Messrs. Abbot, Baldwin, Bair, Caldwell, Darlinton, Gatch, Gilman, Grubb, Humphrey, Huntington, McIntire, Milligan, Sargent and Updegraff.

Another motion was then made further to amend the said section by striking out after the word "to," in the third line of the said section, the word "four," and insert in lieu thereof the word "five."

And on the question thereupon, it was resolved in the affirmative — yeas, 17; nays, 16.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Browne, Byrd, Carpenter, Cutler, Donalson, Dunlavy, Goforth, Kitchel, Massie, Morrow, Paul, Reily, Smith, Wells, Wilson, Woods and Worthington.

Those who voted in the negative are:

Messrs. Abbot, Baldwin, Bair, Caldwell, Darlinton, Gatch, Gilman, Grubb, Humphrey, Huntington, Kirker, McIntire, Milligan, Putnam, Sargent and Updegraff.

The said section being still under consideration, in the words following:

Section 7. Until the first enumeration shall be made as directed in the second section of the first article of the constitution, the county of Hamilton shall be entitled to five Senators and ten Representatives; the county of Clermont, one Senator and two Representatives; the county of Adams, two Senators and three Representatives; the county of Ross, two Senators and five Representatives; the county of Fairfield, one Senator and two Representatives; the county of Washington, two Senators and four Representatives; the county of Belmont, one Senator and two Representatives; the county of Jefferson, two Senators and five Representatives; the county of Trumbull, one Senator

and two Representatives; provided, that no new county shall be entitled to a separate Representative prior to the first enumeration.

A motion was made to strike out the said section and to insert in lieu thereof a section in the words following:

Section 7. Until the first enumeration shall be made, as directed in the second section of the first article of the constitution, the county of Hamilton shall be entitled to three Senators and six Representatives; the county of Clermont, one Senator and one Representative; the county of Adams, one Senator and three Representatives; the county of Ross, two Senators and four Representatives; the county of Fairfield, one Senator and one Representative; the county of Washington, one Senator and three Representatives; the county of Belmont, one Senator and one Representative; the county of Jefferson, one Senator and three Representatives; the county of Trumbull, one Senator and two Representatives; provided, no new county shall be entitled to a separate Representative prior to the first enumeration.

And on the question thereupon, it passed in the negative — yeas, 10; nays, 23.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Browne, Darlinton, Donalson, Gatch, Huntington, Kirker, Kitchel, Massie and Morrow.

Those who voted in the negative are:

Messrs. Baldwin, Bair, Byrd, Caldwell, Carpenter, Cutler, Dunlavy, Gilman, Goforth, Grubb, Humphrey, McIntire, Milligan, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made further to amend the said section by striking out after the word "two," in the third line, the word "five," and insert in lieu thereof the word "four."

And on the question thereupon, it was resolved in the affirmative — yeas, 26; nays, 7.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Baldwin, Browne, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Grubb, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan,

Putnam, Sargent, Updegraff, Wells, Wilson, Woods and Worthington.

Those who voted in the negative are:

Messrs. Byrd, Goforth, Kitchel, Morrow, Paul, Reily and Smith.

Another motion was then made that the convention do receive the said section with the amendments last aforesaid.

And on the question thereupon, it was resolved in the affirmative — yeas, 21; nays, 12.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Baldwin, Bair, Caldwell, Carpenter, Cutler, Gatch, Gilman, Grubb, Huntington, Kirker, McIntire, Massie, Milligan, Putnam, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Those who voted in the negative are:

Messrs. Abbot, Browne, Byrd, Darlinton, Donalson, Dunlavy, Goforth, Humphrey, Kitchel, Morrow, Paul and Reily.

The said article was further amended at the Secretary's table, and, with the amendments, was ordered to lie on the table.

And then the convention adjourned until to-morrow morning, eleven o'clock.

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*Wednesday, November 24, 1802.*

Mr. Gatch, from the committee to whom was referred the propositions made by Congress to the convention, for their reception or rejection, made a report, which was received and read the first time; whereupon,

*Resolved*, That the convention will immediately resolve itself into a committee of the whole convention on the said report.

The convention accordingly resolved itself into the said committee, Mr. Goforth in the chair; and, after some time spent therein, Mr. President resumed the chair and Mr. Goforth reported that the committee had, according to order, had the said report under consideration and made some progress therein; whereupon,

*Resolved*, That the convention will to-day again resolve itself into a committee of the whole convention on the said report.

And then the convention adjourned until three o'clock, P. M.

The convention met at three o'clock, P. M.

The convention, according to the order of the day, again resolved itself into a committee of the whole convention on the report of the committee to whom was referred the proposition made by Congress to the convention, for their acceptance or rejection, Mr. Brown in the chair; and, after some time spent therein, Mr. President resumed the chair and Mr. Brown reported that the committee had, according to order, again had the said report under consideration and had directed him to report their disagreement to the same.

Ordered, That the said report do lie on the table.

And then the convention adjourned until to-morrow morning, ten o'clock.

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*Thursday, November 25, 1802.*

The convention proceeded to consider the amendments reported on Tuesday last from the committee of the whole convention to the third article of the constitution on the judiciary; whereupon,

Ordered, That the said article be recommitted to a committee of the whole convention immediately.

The convention accordingly resolved itself into the said committee, Mr. Byrd in the chair; and after some time spent therein, Mr. President resumed the chair and Mr. Byrd reported that the committee had, according to order, had the said article under consideration and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

On motion, the first article of the constitution was taken up and read the third time, in order for its final passage.

A motion was made to strike out, in the nineteenth section, the words following: "The Legislature of this State shall not allow the following officers of government greater annual salaries than as follows: until the year one thousand eight hundred and eight, to wit: The Governor not more than one thousand dollars; the Judges of the Supreme Court not more than one thousand

dollars each; the Presidents of the Courts of Common Pleas not more than eight hundred dollars each; the Secretary of State not more than five hundred dollars; the Auditor of Public Accounts not more than seven hundred and fifty dollars; the Treasurer not more than four hundred and fifty dollars."

And on the question thereupon, it passed in the negative — yeas, 11; nays, 21.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Baldwin, Byrd, Cutler, Gilman, Goforth, McIntire, Massie, Putnam, Smith, Wells and Woods.

Those who voted in the negative are:

Messrs. Abbot, Bair, Browne, Caldwell, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Huntington, Kirker, Kitchel, Milligan, Morrow, Paul, Reily, Sargent, Updegraff, Wilson and Worthington.

The said article was further amended at the Secretary's table; and on the question that the convention do receive said article as amended, it was resolved in the affirmative.

On motion, the second article of the constitution, on the supreme executive authority, was taken up and read the third time, in order for its final passage; and on the question that the convention do receive the said article, it was resolved in the affirmative.

And then the convention adjourned until to-morrow morning, ten o'clock.

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*Friday, November 26, 1802.*

On motion,

Ordered, That a committee of five be appointed to prepare an address to the President of the United States and both branches of the Federal Legislature, expressive of the high sense this convention entertains of the cheerful and philanthropic manner in which they made provision for the admission of this State into the Union, and expressive of their approbation of the present administration of the General Government.

And a committee was appointed of Mr. Goforth, Mr. Byrd, Mr. Massie, Mr. Huntington and Mr. Baldwin.

On motion, the fourth article of the constitution, designating the qualifications of electors, was taken up and read the third time, in order for its final passage.

A motion was made to amend said article by striking out after the word "election," in the seventh line of the first section, the words following: "Provided, That all male negroes and mulattoes now residing in this territory, shall, at the age of twenty-one years, be entitled to the right of suffrage if they shall within one year make a record of their citizenship with the clerk of the county in which they may reside; and, provided also, that they have paid or are charged with a state or county tax."

And on the question thereupon, it was resolved in the affirmative — yeas, 17; nays, 17.

The convention being equally divided, Mr. President declared himself with the yeas.

The yeas and nays being demanded, were as follows:

Yeas — Messrs. Abrams, Baldwin, Bair, Caldwell, Carpenter, Darlinton, Grubb, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Smith, Woods and Worthington.

Nays — Messrs. Abbot, Browne, Byrd, Cutler, Dunlavy, Gatch, Gilman, Goforth, Kitchel, Morrow, Paul, Putnam, Reily, Sargent, Updegraff, Wells and Wilson.

Another motion was then made further to amend the said article by striking out the fifth section, which follows in these words, to wit:

Section 5. Nothing contained in this article shall be so construed as to prevent white male persons above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, and who have resided one year in the State, from having the right of an elector."

And on the question thereupon, it passed in the negative — yeas, 13; nays, 21.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Cutler, Gilman, Goforth, Huntington, Kirker, McIntire, Massie, Putnam, Reily, Updegraff, Wells and Woods.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Kitchel, Milligan, Morrow, Paul, Sargent, Smith, Wilson and Worthington.

On motion that the convention do receive the said article as amended, it was resolved in the affirmative.

The convention proceeded to consider the amendments reported on yesterday from the committee of the whole convention to the third article of the constitution on the judiciary, and the same being read, were agreed to by the convention.

The said article was further amended at the Secretary's table, and, with the amendments, was ordered to lie on the table.

On motion, the fifth article of the constitution, declaring the manner in which militia officers are to be chosen or appointed, was taken up and read the third time, in order for its final passage.

And on the question that the convention do receive the said article, it was resolved in the affirmative.

On motion the sixth article of the constitution, designating the manner in which Sheriffs, Coroners, and certain other civil officers are chosen or appointed, was then taken up and read the third time in order for its final passage.

And on the question that the convention do receive the said article, it was resolved in the affirmative.

On motion, the seventh article of the constitution, comprehending the general regulations and provisions of the constitution, was taken up and read the third time in order for its final passage.

A motion was then made to amend the said article at the Secretary's table by striking out after the word "contents," in the fifth line of the third section, the words following, "No new county shall be established by the Legislature which is not entitled, by its numbers, to a Representative."

And on the question thereupon, it was resolved in the affirmative — yeas, 22; nays, 12.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Abrams, Bair, Browne, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Hunting-

ton, Kirker, Kitchel, McIntire, Paul, Putnam, Reily, Updegraff, Wilson, Woods and Worthington.

Those who voted in the negative are:

Messrs. Baldwin, Byrd, Caldwell, Cutler, Gilman, Goforth, Massie, Milligan, Morrow, Sargent, Smith and Wells.

Another motion was then made further to amend the said section by striking out after the word "than," in the fourth line, the word "four," and insert in lieu thereof the word "five."

And on the question thereupon, it passed in the negative — yeas, 11; nays, 23.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Caldwell, Cutler, Gilman, McIntire, Massie, Putnam, Reily, Sargent, Smith and Wells.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, Milligan, Morrow, Paul, Wilson, Woods and Worthington.

Another motion was then made further to amend the said article by striking out after the word "that," in the first line of the fifth section these words, "after the year one thousand eight hundred and six."

And on the question thereupon, it passed in the negative — yeas, 12; nays, 21.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Abrams, Cutler, Gilman, Huntington, McIntire, Paul, Putnam, Reily, Updegraff, Wells and Woods.

Those who voted in the negative are:

Messrs. Baldwin, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Kirker, Kitchel, Massie, Milligan, Morrow, Sargent, Smith, Wilson and Worthington.

Another motion was then made further to amend the said article by striking out the seventh section, in the words following:

Section 7. But no negro or mulatto shall ever be eligible to any office, civil or military, or give their oath in any court

of justice against a white person, be subject to do military duty, or pay a poll-tax in this State; Provided always, and it is fully understood and declared, that all negroes and mulattoes now in, or who may hereafter reside in, this State, shall be entitled to all the privileges of citizens of this State excepted by this constitution.

And on the question thereupon, it was resolved in the affirmative — yeas, 17; nays, 16.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Browne, Cutler, Dunlavy, Gatch, Gilman, Goforth, Huntington, Kitchel, Milligan, Paul, Putnam, Reily, Sargent, Updegraff, Wells and Wilson.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Bair, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Grubb, Humphrey, Kirker, Massie, Morrow, Smith, Woods and Worthington.

A motion was made and seconded to amend the said article by adding a new section as the seventh section, in the words following:

Section 7. No negro or mulatto shall ever be eligible to any office, civil or military, or be subject to military duty.

The previous question was called for by three members, to wit: "Shall the main question, to receive the said section, be now put?"

And on the previous question, "Shall the main question be now put?" it was resolved in the negative.

The said article was further amended at the Secretary's table; and, on the question being put, that the convention do receive the said article as amended, it was resolved in the affirmative.

On motion, the eighth article of the constitution was taken up and read the third time, in order for its final passage.

A motion was made to amend the said article by inserting after the word "indenture," in the tenth line of the second section, these words: "of any negro or mulatto."

And on the question thereupon, it was resolved in the affirmative — yeas, 20; nays, 13.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Browne, Byrd, Caldwell, Carpenter, Darlinton, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, Kitchel, Massie, Morrow, Putnam, Smith, Updegraff, Wells and Worthington.

Those who voted in the negative are:

Messrs. Abrams, Baldwin, Bair, Donalson, Dunlavy, Grubb, McIntire, Milligan, Paul, Reily, Sargent, Wilson and Woods.

Another motion was then made further to amend the said article by striking out after the word "worship," in the eighth and ninth lines, the words, "and no religious test shall be required as a qualification to any office or trust of profit."

And on the question thereupon, it passed in the negative — yeas, 6; nays, 28.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Caldwell, Cutler, Gilman, Humphrey, Morrow and Putnam.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Huntington, Kirker, Kitchel, McIntire, Massie, Milligan, Paul, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

The said article was further amended at the Secretary's table.

And on the question that the convention do receive the said article as amended, it was resolved in the affirmative.

On motion, the schedule to the constitution was taken up and read the third time, in order for its final passage.

The said schedule was further amended at the Secretary's table.

And on the question that the convention do receive the said schedule, as amended, it was resolved in the affirmative.

And then the convention adjourned until to-morrow morning, ten o'clock.

*Saturday, November 27, 1802.*

Mr. Goforth, from the committee appointed to prepare and address to the President of the United States and both branches of the Federal Legislature, expressive of the high sense the convention entertain of the cheerful and philanthropic manner in which they made provision for the admission of this State into the Union, and expressive of their approbation of the present administration of the General Government, made a report, which was received and read the first time.

On motion, the said report was read the second time, and on the question thereupon agreed to by the convention, in the words following:

*To the President and both Houses of Congress of the United States:*

The convention of the State of Ohio, duly appreciating the importance of a free and independent State government, and impressed with sentiments of gratitude to the Congress of the United States for the prompt and decisive measures taken at their last session to enable the people of the Northwestern Territory to emerge from their colonial government and to assume a rank among the sister States, beg leave to take the earliest opportunity of announcing to you this important event. On this occasion, the convention cannot help expressing their unequivocal approbation of the measures pursued by the present administration of the General Government and both Houses of Congress in diminishing the public burdens, cultivating peace with all nations, and promoting the happiness and prosperity of our country.

*Resolved*, That the President of this convention do inclose to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the United States, the foregoing address.

On motion, the third article of the constitution was taken up and read the third time, in order for its final passage.

A motion was made to further amend the said article at the Secretary's table by striking out after the word "himself," in the eighth line of the ninth section, the words following: "They shall

be removed for breach of good behavior, at any time, by the Judges of the respective courts."

And on the question thereupon, it passed in the negative — yeas, 13; nays, 20.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Browne, Caldwell, Darlinton, Donalson, Dunlavy, Grubb, Milligan, Morrow, Paul, Reily, Smith, Wilson and Worthington.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Baldwin, Byrd, Carpenter, Cutler, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, Kitchel, McIntire, Massie, Putnam, Sargent, Updegraff, Wells and Woods.

The said article was further amended at the Secretary's table.

And on the question that the convention do receive the said article, as amended, it was resolved in the affirmative.

On motion,

Ordered, That the constitution now framed be engrossed.

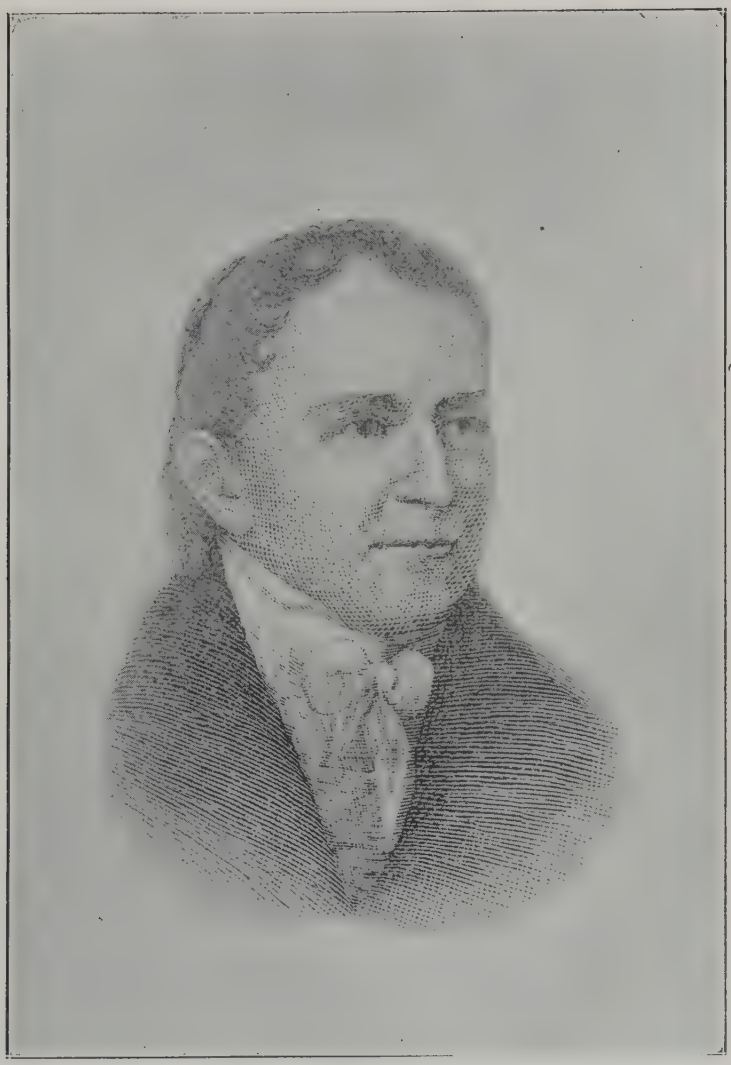
On motion, the report of the committee of the whole convention, on Thursday last, on their disagreement to the report of the select committee to whom were referred the propositions made by Congress to the convention, for their acceptance or rejection, was taken up and read; whereupon,

Ordered, That the said report be recommitted to Mr. Putnam, Mr. Smith, Mr. Huntington, Mr. Massie and Mr. Wells, who are to report their opinion thereupon.

Mr. Putnam, from the committee to whom were recommitted the propositions made by Congress to the convention, for their acceptance or rejection, made a report which was received and read the first time; whereupon,

Ordered, That the said report be committed to a committee of the whole convention on Monday next.

And then the convention adjourned until Monday morning, nine o'clock.



THOMAS WORTHINGTON.

Governor of Ohio, 1814–1818.

*Monday, November 29, 1802.*

The convention, according to the order of the day, resolved itself into a committee of the whole convention, on the report of the select committee to whom were recommitted the propositions made by Congress to the convention, for their acceptance or rejection, Mr. Wells in the chair; and after some time spent therein, Mr. President resumed the chair and Mr. Wells reported that the committee of the whole convention had, according to order, had under their consideration the said report and made several amendments thereto, which he delivered in at the Secretary's table.

The convention proceeded to consider the said amendments; and the same being read, some were agreed to and others disagreed to.

The preamble to the said report being under consideration, in the words following:

We, the Representatives of the people of the eastern division of the territory northwest of the river Ohio, being assembled in convention pursuant to an act of Congress entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes"; and having had under consideration the propositions offered by said act for our free acceptance or rejection, do resolve to accept the said proposition, provided the following addition to, and modification of, the said proposition shall be agreed to by the Congress of the United States, viz:

A motion was made and seconded to strike out the proviso to the said preamble, in the words following: "Provided the following addition to, and modification of, the said propositions shall be agreed to by the Congress of the United States, viz."

The previous question was called for by three of the members, to wit:

"Shall the main question, to strike out the said proviso, be now put?"

And on the previous question, shall the main question be now put? it was resolved in the negative—yeas, 11; nays, 22.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Baldwin, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Gatch, Grubb, Kirker, Massie and Sargent.

Those who voted in the negative are:

Messrs. Abbot, Abrams, Bair, Browne, Cutler, Dunlavy, Gilman, Goforth, Humphrey, Huntington, Kitchel, McIntire, Milligan, Morrow, Paul, Putnam, Reily, Smith, Updegraff, Wells, Wilson and Woods.

On motion,

Ordered, That a committee be appointed to prepare and report a resolution for the ascertaining the fees of the officers of the convention, and, that Mr. Reily, Mr. Browne and Mr. Goforth be the said committee.

On motion,

Ordered, That a committee be appointed to prepare and report a resolution on the subject of distributing the Journals and constitution in the several counties, and that Mr. Dunlavy, Mr. Paul and Mr. Bair be the said committee.

Mr. Reily, from the committee appointed to prepare and report a resolution for the ascertaining the fees of the officers of the convention, made a report, which was received, and read the first time, and agreed to by the convention, in the words following, to-wit:

*Resolved,* That there be allowed to the Secretary of this convention the sum of three dollars per day, to the Assistant Secretary the sum of three dollars per day, and to the door-keeper the sum of one dollar and fifty cents per day, for their services respectively, during their attendance on the convention.

Mr. Dunlavy, from the committee appointed to prepare and report a resolution on the subject of distributing the Journals of the convention and the constitution, made a report, which was received and read the first time, and agreed to by the convention in the words following:

*Resolved,* That the following number of copies of the Journal of the convention and of the constitution of the State of Ohio be sent by the printer, to be put in the possession of the members of this convention to be distributed by them for the information of the people, in their respective counties, to-wit:

To the county of Adams, sixty copies of the Journal and eighty-eight copies of the constitution, to be sent to Israel Donalson; to the county of Belmont, forty copies of the Journal and sixty copies of the constitution, to be sent to James Caldwell, at St. Clairville; To the county of Clermont, forty copies of the Journal and sixty copies of the constitution, to be sent to Roger Warren; to the county of Fairfield, forty copies of the Journal and sixty copies of the constitution, to be sent to Emanuel Carpenter; to the county of Hamilton, two hundred copies of the Journal and two hundred and eighty copies of the constitution, to be sent to John Reily; to the county of Jefferson, one hundred copies of the Journal and one hundred and forty copies of the constitution, to be sent to John Ward; to the county of Ross, one hundred copies of the Journal and one hundred and forty copies of the constitution, to be sent to Edward Tiffin; to the county of Trumbull, forty copies of the Journal and sixty copies of the constitution, to be sent to Calvin Peace; to the county of Washington, eighty copies of the Journal and one hundred and twelve copies of the constitution, to be sent to Benjamin Ives Gilman.

On motion,

*Resolved,* That the Secretary of the convention be authorized to deliver the engrossed constitution to the President, to be by him kept until a Secretary of State shall be elected and duly qualified, after which it will be the duty of the President to deliver the said constitution to the Secretary of State, to be by him filed in his office.

On motion,

*Resolved,* That the constitution be ratified by the convention.

And thereupon the following members ratified and subscribed their names to the constitution, to-wit:

Edward Tiffin, President and Representative from the county of Ross.

From Adams county, Joseph Darlinton, Israel Donalson and Thos. Kirker.

From Belmont county, James Caldwell and Elijah Woods.

From Clermont county, Philip Gatch and James Sargent.

From Fairfield county, Henry Abrams and Emanuel Carpenter.

From Hamilton county, John W. Browne, Charles Willing Byrd, Francis Dunlavy, William Goforth, John Kitchel, Jeremiah Morrow, John Paul, John Reily, John Smith and John Wilson.

From Jefferson county, Rudolph Bair, George Humphrey, John Milligan, Nathan Updegraff and Bazaleel Wells.

From Ross county, Michael Baldwin, James Grubb, Nathaniel Massie and T. Worthington.

From Trumbull county, David Abbot and Samuel Huntington.

From Washington county, Ephraim Cutler, Benjamin Ives Gillman, John McIntire and Rufus Putnam.

A motion was made and seconded that the convention adjourn until the ——— Tuesday of March next.

And on the question thereupon, it passed in the negative—yeas, 8; nays, 24.

The yeas and nays being demanded, those who voted in the affirmative are:

Messrs. Abbot, Abrams, Bair, Browne, Humphreys, Huntington, Putnam and Smith.

Those who voted in the negative are:

Messrs. Baldwin, Byrd, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Kirker, Kitchel, McIntire, Massie, Milligan, Morrow, Paul, Reily, Sargent, Updegraff, Wells and Wilson.

And then the convention adjourned sine die.

Attest: THOMAS SCOTT,
*Secretary.*

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## CONSTITUTION OF THE STATE OF OHIO—1802.

We, the people of the eastern division of the territory of the United States, northwest of the river Ohio, having the right of admission into the general government, as a member of the Union, consistent with the constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seven, and of the law of Congress, entitled, "An act to

enable the people of the eastern division of the territory of the United States, northwest of the river Ohio, to form a constitution and State government, for the admission of such State into the Union, on an equal footing with the original States, and for other purposes," in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent State, by the name of the State of Ohio:

## ARTICLE I.

### OF THE LEGISLATIVE POWERS.

SECTION 1. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives, both to be elected by the people. (See Const. 1851, Art. II, § 1.)

SEC. 2. Within one year after the first meeting of the General Assembly, and within every subsequent term of four years, an enumeration of all the white male inhabitants, above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each, and shall never be less than twenty-four, nor greater than thirty-six, until the number of white male inhabitants, above twenty-one years of age, shall be twenty-two thousand inhabitants; and, after that event, at such ratio that the whole number of Representatives shall never be less than thirty-six, nor exceed seventy-two. (See Const. 1851, Art. XI.)

SEC. 3. The Representatives shall be chosen annually by the citizens of each county, respectively, on the Second Tuesday of October. (See Const. 1851, Art. II, § 2.)

SEC. 4. No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the United States, and an inhabitant of this State; shall also have

resided within the limits of the county in which he shall be chosen, one year preceding his election, unless he shall have been absent on the public business of the United States, or of this State, and shall have paid a State or county tax. (See Const. 1851, Art. II, § 3.)

Sec. 5. The Senators shall be chosen biennially, by the qualified voters for Representatives; and on their being convened in consequence of the first election, they shall be divided by lot, from their respective counties and districts, as near as can be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year; so that one-half thereof, as near as possible, may be annually chosen forever thereafter. (See Const. 1851, Art. II, § 2.)

Sec. 6. The number of Senators shall, at the several periods of making the enumeration beforementioned, be fixed by the Legislature, and apportioned among the several counties or districts, to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third, nor more than one-half, of the number of Representatives.

Sec. 7. No person shall be a Senator who has not arrived at the age of thirty years, and is a citizen of the United States; shall have resided two years in the county or district immediately preceding the election, unless he shall have been absent on the public business of the United States, or of this State; and shall, moreover, have paid a State or county tax. (See Const. 1851, Art. II, § 2.)

Sec. 8. The Senate and House of Representatives, when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments; two-thirds of each house shall continue a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members. (See Const. 1851, Art. II, §§ 6, 7.)

Sec. 9. Each house shall keep a journal of its proceedings, and publish them, the yeas and nays of the members, on any

question shall, at the desire of any two of them, be entered on the journals. (See Const. 1851, Art. II, § 9.)

SEC. 10. Any two members of either house shall have liberty to dissent from, and protest against, any act or resolution which they may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals. (See Const. 1851, Art. II, § 10.)

SEC. 11. Each house may determine the rules of the proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the Legislature of a free and independent State. (See Const. 1851, Art. II, § 8.)

SEC. 12. When vacancies happen in either house, the Governor or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies. (See Const. 1851, Art. II, § 11.)

SEC. 13. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place. (See Const. 1851, Art. II, § 12.)

SEC. 14. Each house may punish, by imprisonment during their session, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence; provided that such imprisonment shall not, at one time, exceed twenty-four hours.

SEC. 15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases, as in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting. (See Const. 1851, Art. II, §§ 13, 14.)

SEC. 16. Bills may originate in either house, but may be altered, amended or rejected by the other. (See Const. 1851, Art. II, § 15.)

Sec. 17. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house where such bill is so depending, shall deem it expedient to dispense with this rule, and every bill having passed both houses, shall be signed by the speakers of their respective houses. (See Const. 1851, Art. II, § 17.)

Sec. 18. The style of the laws of this State shall be: Be it enacted by the General Assembly of the State of Ohio. (See Const. 1851, Art. II, § 18.)

Sec. 19. The Legislature of this State shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to-wit: The Governor not more than one thousand dollars, the judges of the Supreme Court not more than one thousand dollars each, the presidents of the Court of Common Pleas not more than eight hundred dollars each, the Secretary of State not more than five hundred dollars, the Auditor of Public Accounts not more than seven hundred and fifty dollars, the Treasurer not more than four hundred and fifty dollars; no member of the Legislature shall receive more than two dollars per day during his attendance on the Legislature, nor more for twenty-five miles he shall travel in going to and returning from the General Assembly.

Sec. 20. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during such time. (See Const. 1851, Art. II, § 22.)

Sec. 21. No money shall be drawn from the treasury, but in consequence of appropriation made by law. (See Const. 1851, Art. II, § 22.)

Sec. 22. An accurate statement of the receipts and expenditures of the public money shall be attached to, and published with, the laws annually.

Sec. 23. The House of Representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall

be upon oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of two thirds of all the Senators. (See Const. 1851, Art. II, §23.)

SEC. 24. The Governor, and all other civil officers under this State, shall be liable to impeachment for any misdemeanor in office; but judgment in such case shall not extend further than removal from office, and disqualification to hold any office of honor, profit, or trust, under this State. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial judgment and punishment, according to law. (See Const. 1851, Art. II, § 24.)

SEC. 25. The first session of the General Assembly shall commence on the first Tuesday of March next; and, forever after, the General Assembly shall meet on the first Monday of December, in every year, and at no other period, unless, directed, by law, or provided for by this constitution. (See Const. 1851, Art. II, § 25.)

SEC. 26. No judge of any court of law or equity, Secretary of State, Attorney General, register clerk of any court of record, sheriff or collector, member of either house of Congress, or person holding any office under the authority of the United States, or any lucrative office under the authority of this State (provided that appointments in the militia or justice of the peace, shall not be considered lucrative offices), shall be eligible as a candidate for, or have a seat in the General Assembly. (See Const. 1851, Art. II, § 4.)

SEC. 27. No person shall be appointed to any office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointments, if the county shall have been so long erected, but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SEC. 28. No person who heretofore hath been, or hereafter may be a collector or holder of public moneys, shall have a seat in either house of the General Assembly, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable. (See Const. 1851, Art. II, § 5.)

## ARTICLE II.

### OF THE EXECUTIVE.

SECTION 1. The supreme executive power of this State shall be vested in a Governor. (See Const. 1851, Art. III, § 5; Art. VI, § 2.)

SEC. 2. The Governor shall be chosen by the electors of the members of the General Assembly, on the second Tuesday of October, at the same places, and in the same manner, that they shall respectively vote for members thereof. The return of every election for Governor, shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the Senate, who shall open and publish them, in the presence of a majority of the members of each house of the General Assembly; the person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint ballot of both houses of the General Assembly. Contested elections for Governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law. (See Const. 1851, Art. III, §§ 1, 3.)

SEC. 3. The first Governor shall hold his office until the first Monday of December, one thousand eight hundred and five, and until another Governor shall be elected and qualified to office; and forever after shall the Governor hold his office for the term of two years and until another governor shall be elected and qualified, but he shall not be eligible more than six years in any term of eight years. He shall be either thirty years of age and have been a citizen of the United States twelve years and an inhabitant of this State four years next preceding his election. (See Const. 1851, Art. III, § 2.)

SEC. 4. He shall, from time to time, give to the General Assembly information of the state of the government and recommend to their consideration such measures as he shall deem expedient. (See Const. 1851, Art. III, § 11.)

SEC. 6. The Governor shall, at stated times, receive for his service a compensation, which shall neither be increased nor

diminished during the term for which he shall have been elected. (See Const. 1851, Art. III, § 19.)

SEC. 7. He may require information, in writing, from the officers in the executive department upon any subject relating to the duties of their respective offices, and shall take that the laws be faithfully executed. (See Const. 1851, Art. III, § 6.)

SEC. 8. When any officer, the right of whose appointment is, by this constitution, vested in the General Assembly, shall during the recess, die, or his office by any means become vacant, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature.

SEC. 9. He may, on extraordinary occasions, convene the General Assembly, by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened. (See Const. 1851, Art. III, § 8.)

SEC. 10. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States. (See Const. 1851, Art. III, § 10.)

SEC. 11. In case of disagreement between the two Houses, with the respect to the time of adjournment, the Governor shall have the power to adjourn the General Assembly to such time as he thinks proper; provided it is not a period beyond the annual meeting of the Legislature. (See Const. 1851, Art. III, § 9.)

SEC. 12. In case of the death, impeachment, resignation or removal of the Governor from office, the Speaker of the Senate shall exercise the office of Governor until he be acquitted or another Governor shall be duly qualified. In case of the impeachment of the Speaker of the Senate, or his death, removal from office, resignation or absence from the State, the Speaker of the House of Representatives shall succeed to the office and exercise the duties thereof until a governor shall be elected and qualified. (See Const. 1851, Art. III, §§ 15, 17.)

SEC. 13. No member of Congress, or person holding any office under the United States, or this State, shall execute the office of Governor. (See Const. 1851, Art. III, § 14.)

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called "The great Seal of the State of Ohio." (See Const. 1851, Art. III, § 12.)

SEC. 15. All grants and commissions shall be in the name and by the authority of the State of Ohio, sealed with the seal, signed by the Governor, and countersigned by the Secretary. (See Const. 1851, Art. III, § 13.)

### SECRETARY OF STATE.

SEC. 16. A Secretary of State shall be appointed by a joint ballot of the Senate and House of Representatives, who shall continue in office three years, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law. (See Const. 1851, Art. III, §§ 1, 2.)

## ARTICLE III.

### OF THE JUDICIARY.

SECTION 1. The judicial power of this State, both as to matters of law and equity, shall be vested in a Supreme Court, in Courts of Common Pleas for each county, in Justices of the Peace, and in such other courts as the Legislature may, from time to time, establish. (See Const. 1851, Art. IV, § 1.)

SEC. 2. The Supreme Court shall consist of three Judges, and two of whom shall be a quorum. They shall have original and appellate jurisdiction both in common law and chancery, in such cases as shall be directed by law; provided, that nothing herein contained shall prevent the General Assembly from adding another Judge to the Supreme Court after the term of five years; in which case the Judges may divide the State into two circuits, within which any two of the Judges may hold a court. (See Const. 1851, Art. IV, § 2.)

SEC. 3. The several Courts of Common Pleas shall con-

sist of a President and Associate Judges. The State shall be divided, by law, into three circuits; there shall be appointed in each circuit a President of the Courts who, during his continuance in office, shall reside therein. There shall be appointed in each county not more than three nor less than two Associate Judges who, during their continuance in office, shall reside therein. The President and Associate Judges, in their respective counties, any three of whom shall be a quorum, shall compose the Court of Common Pleas; which court shall have common law and chancery jurisdiction in all such cases as shall be directed by law; provided, that nothing herein contained shall be construed to prevent the Legislature from increasing the number of circuits and Presidents after the term of five years. (See Const. 1851, Art. IV, §§ 3, 4, 12.)

SEC. 4. The Judges of the Supreme Court and Courts of Common Pleas shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law. (See Const. 1851, Art. IV, § 4.)

SEC. 5. The Court of Common Pleas in each county shall have jurisdiction of all probate and testamentary matters, granting administration, the appointments of guardians, and such other cases as shall be prescribed by law. (See Const. 1851, Art. IV, §§ 4, 8.)

SEC. 6. The Judges of the Court of Common Pleas shall, within their respective counties, have the same powers with the Judges of the Supreme Court, to issue writs of certiorari to the Justices of the Peace, and to cause their proceedings to be brought before them, and the like right and justice to be done. (See Const. 1851, Art. IV, § 4.)

SEC. 7. The Judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State. The President of the Courts of Common Pleas shall, by virtue of their offices, be conservators of the peace in their respective circuits; and the Judges of the Courts of the Common Pleas shall, by virtue of their offices, be conservators of the peace in their respective counties.

SEC. 8. The Judges of the Supreme Court, the President and the Associate Judges of the Courts of Common Pleas shall

be appointed by a joint ballot of both Houses of the General Assembly, and shall hold their offices for the term of seven years, if so long they behave well. The Judges of the Supreme Court and the President of the Court of Common Pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this State or the United States. (See Const. 1851, Art. IV, §§ 12, 14.)

Sec. 9. Each court shall appoint its own clerk for the term of seven years; but no person shall be appointed clerk, except pro tempore, who shall not produce to the court appointing him a certificate from a majority of the Judges of the Supreme Court, that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior at any time by the judges of the respective courts. (See Const. 1851, Art. IV, § 16.)

Sec. 10. The Supreme Court shall be held once a year in each county, and the Courts of Common Pleas shall be holden in each county, at such times and places, as shall be prescribed by law.

Sec. 11. A competent number of Justices of the Peace shall be elected by the qualified electors in each township in the several counties and shall continue in office three years, whose powers and duties shall, from time to time, be regulated and defined by law. (See Const. 1851, Art. IV, § 9.)

Sec. 12. The style of all process shall be, "The State of Ohio"; all prosecutions shall be carried on in the name and by the authority of the State of Ohio, and all indictments shall conclude, "against the peace and dignity of the same." (See Const. 1851, Art. IV, § 20.)

## ARTICLE IV.

### OF ELECTIONS AND ELECTORS.

Section 1. In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State

one year next preceding the election, and who have paid or are charged with a State or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election. (See Const. 1851, Art. V, § 1.)

SEC. 2. All elections shall be by ballot. (See Const. 1851, Art. V, § 2.)

SEC. 3. Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from the same. (See Const. 1851, Art. V, § 3.)

SEC. 4. The Legislature shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime. (See Const. 1851, Art. V, § 4.)

SEC. 5. Nothing contained in this article shall be so construed as to prevent white male persons, above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, and who have resided one year in the State, from having the right of an elector. (See Const. 1851, Art. V, § 1.)

## ARTICLE V.

### OF THE MILITIA OFFICERS.

SECTION 1. Captains and subalterns in the militia shall be elected by those persons in their respective company districts subject to military duty.

SEC. 2. Majors shall be elected by the captains and subalterns of the battalion.

SEC. 3. Colonels shall be elected by the majors, captains and subalterns of the regiment.

SEC. 4. Brigadier-generals shall be elected by the commissioned officers of their respective brigades.

SEC. 5. Majors general and quartermasters general shall be appointed by joint ballot of both Houses of the Legislature.

SEC. 6. The Governor shall appoint the adjutant-general. The majors general shall appoint their aids and other division

staff officers. The brigadiers general shall appoint their brigade majors and other brigade staff officers. The commanding officers of regiments shall appoint their adjutants, quartermasters and other regimentals shall appoint their adjutants, quartermasters and other regimental staff officers; and the captains and subalterns shall appoint their non-commissioned officers and musicians.

SEC. 7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps; and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff; and the captains and subalterns their non-commissioned officers and musicians. (See Const. 1851, Art. IX.)

## ARTICLE VI.

### OF CIVIL OFFICERS.

SECTION 1. There shall be elected in each county one sheriff and one coroner by the citizens thereof who are qualified to vote for members of the assembly; they shall be elected at the time and place of holding elections for members of assembly; they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified; provided, that no person shall be eligible as sheriff for a longer term than four years in any term of six years. (See Const. 1851, Art. X, §§ 1-3.)

SEC. 2. The State Treasurer and Auditor shall be triennially appointed by a joint ballot of both Houses of the Legislature.

SEC. 3. All town and township officers shall be chosen annually by the inhabitants thereof duly qualified to vote for members of Assembly, at such time and place as may be directed by law. (See Const. 1851, Art. X, § 1.)

SEC. 4. The appointments of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

## ARTICLE VII.

### OFFICIAL OATHS.

SECTION 1. Every person who shall be chosen or appointed to any office, or trust, or profit under the authority of this State shall, before the entering on the execution thereof, taking an oath or affirmation to support the constitution of the United States and of this State, and also an oath of office. (See Const. 1851, Art. XV, § 7.)

### BRIBERY AT ELECTIONS.

SEC. 2. Any elector who shall receive any gift or reward for his vote in meat, drink, money or otherwise, shall suffer such punishment as the law shall direct; and any person who shall, directly or indirectly, give, promise or bestow any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected and be subject to such other punishment as shall be directed by law.

### OF NEW COUNTIES.

SEC. 3. No new county shall be established by the General Assembly which shall reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of representation. (See Const. 1851, Art. II, § 30.)

### OF THE SEAT OF GOVERNMENT.

SEC. 4. Chillicothe shall be the seat of government until the year one thousand eight hundred and eight. No money shall be raised, until the year one thousand eight hundred and nine, by the Legislature of this State for the purpose of erecting public buildings for the accommodation of the Legislature. (See Const. 1851, Art. XV, § 1.)

OF AMENDMENTS TO THE CONSTITUTION.

SEC. 5. That after the year one thousand eight hundred and six, whenever two-thirds of the General Assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the General Assembly, to vote for or against a convention, and if it shall appear that a majority of the citizens of the State, voting for Representatives, have voted for a convention, the General Assembly shall, at their next session, call a convention, to consist of as many members as there shall be in the General Assembly; to be chosen in the same manner, at the same place, and by the same electors that choose the General Assembly; who shall meet within three months after the said election for the purpose of revising, amending or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this State. (See Const. 1851, Art. XVI, § 2.)

BOUNDARIES OF THE STATE.

SEC. 6. That the limits and boundaries of this State be ascertained, it is declared that they are as hereafter mentioned; that is to say: bounded on the east by the Pennsylvania line; on the south by the Ohio River to the mouth of the Great Miami, aforesaid; and on the north by an east and west line and drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line, aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie or the territorial line, and thence with the same, through Lake Erie, to the Pennsylvania line aforesaid; provided always, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie, east of the mouth of the Miami River of the Lake, then in that case, with the assent of Congress of the United States, the northern boundary of this State shall be established by, and extended to a direct line running from the southern extremity of Lake Michigan to

the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami River as aforesaid, thence northeast to the territorial line, and, by the said territorial line to the Pennsylvania line.

## ARTICLE VIII.

### BILL OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and forever unalterably established, we declare:

SECTION 1. That all men are born equally free and independent, and have certain natural, inherent and unalienable rights; amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; and every free republican government, being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties, and securing their independence; to effect these ends, they have at all times a complete power to alter, reform or abolish their government, whenever they may deem it necessary. (See Const. 1851, Art. I, §§ 1, 2.)

SEC. 2. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, or female person arrived at the age of eighteen years, be held to serve any person as a servant, under the pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on a condition of a bona fide consideration, received or to be received, for their service, except as before excepted. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of the State, or if made in the State, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships. (See Const. 1851, Art. I, § 6.)

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of con-

science; that no human authority can, in any case whatever, control or interfere with the rights of conscience; that no man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry, against his consent, and that no preference shall ever be given, by law, to any religious society or mode of worship, and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality and knowledge being essentially necessary to good government and the happiness of mankind, schools and the means of instructions shall forever be encouraged by legislative provision not inconsistent with the rights of conscience. (See Const. 1851, Art. I, § 7.)

SEC. 4. Private property ought and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner. (See Const. 1851, Art. I, § 19 and Note.)

SEC. 5. That the people shall be secure in their persons, houses, papers, and possessions, from unwarrantable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted. (See Const. 1851, Art. I, § 14.)

SEC. 6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer, and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write or print, upon any subject, as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases. (See Const. 1851, Art. I, § 11.)

SEC. 7. That all courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation,

shall have remedy by the due course of law, and right and justice administered, without denial or delay. (See Const. 1851, Art. I, § 16,)

SEC. 8. That the right of trial by jury shall be inviolate. (See Const. 1851, Art. I, § 5.)

SEC. 9. That no power of suspending laws shall be exercised, unless by the Legislature. (See Const. 1851, Art. I, § 18.)

SEC. 10. That no person arrested or confined in jail shall be treated with unnecessary rigor, or be put to answer any criminal charge, but by presentment, indictment or impeachment. (See Const. 1851, Art. I, § 10.)

SEC. 11. That in all criminal prosecutions the accused has a right to be heard by himself and his counsel to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witness face to face; to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county or district in which the offense shall have been committed, and shall not be compelled to give evidence against himself, nor shall he twice be put in jeopardy for the same offense. (See Const. 1851, Art. I, § 10.)

SEC. 12. That all persons shall be bailable by sufficient sureties, unless for capital offenses, where the proof is evident or the presumption is great; and the privilege of the writ of habeas corpus shall not be suspended, unless when the case of rebellion or invasion, the public safety may require it. (See Const. 1851, Art. I, §§ 8, 9.)

SEC. 13. Excessive bail shall not be required; excessive fines shall not be imposed, nor cruel and unusual punishment inflicted. (See Const. 1851, Art. I, § 9.)

SEC. 14. All penalties shall be proportioned to the nature of the offense. No wise Legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. When the same undistinguished severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the slightest offenses. For the same reasons, a multitude of sanguinary laws

are both impolitic and unjust; the true design of all punishment being to reform, not to exterminate mankind.

SEC. 15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law. (See Const. 1851, Art. I, § 15.)

SEC. 16. No ex post facto law nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood, or forfeiture of estate. (See Const. 1851, Art. II, § 28.)

SEC. 17. That no person shall be liable to be transported out of this State for any offense committed in the State. (See Const. 1851, Art. I, § 12.)

SEC. 18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

SEC. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their Representatives, and to apply to the Legislature for a redress of grievances. (See Const. 1851, Art. I, § 3.)

SEC. 20. That the people have a right to bear arms for the defence of themselves and the State; and as standing armies in time of peace are dangerous to liberty, they shall not be kept up; and that the military shall be kept under strict subordination to the civil power. (See Const. 1851, Art. I, § 4.)

SEC. 21. That no person in this State, except such as are employed in the army or navy of the United States or militia in actual service, shall be subject to corporal punishment, under the military law.

SEC. 22. That no soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in the manner prescribed by law. (See Const. 1851, Art. I, § 13.)

SEC. 23. That the levying taxes by the poll is grievous and oppressive; therefore the Legislature shall never levy a poll tax for county or State purposes. (See Const. 1851, Art. XII, § 1.)

SEC. 24. That no hereditary emoluments, privileges or honors shall ever be granted or conferred by this State. (See Const. 1851, Art. I, § 17.)

SEC. 25. That no law shall be passed to prevent the poor in the several counties and townships, within this State, from an equal participation in the schools, academies, colleges and universities within this State, which are endowed, in whole or in part, from the revenue arising from donations made by the United States, for the support of schools, academies and universities, shall be open for the reception of scholars and students and teachers, of every grade, without any distinction or preference whatever, contrary to the intent for which said donations were made.

SEC. 26. That laws shall be passed by the Legislature which shall secure to each and every denomination of religious societies, in each surveyed township, which is now, or may hereafter be formed in the State, an equal participation according to their number of adherents of the profits arising from the land granted by Congress, for the support of religion, agreeably to the ordinance or act of Congress making the appropriation.

SEC. 27. That every association of persons, when regularly formed, within this State, and having given themselves a name, may on application to the Legislature, be entitled to receive letters of incorporation, to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and for other purposes.

SEC. 28. To guard against the transgressions of the high powers, which we have delegated, we declare, that all powers, not hereby delegated, remain with the people. (See Const. 1851, Art. I, § 20.)

SCHEDULE.

SECTION 1. That no evils or inconveniencies may arise, from the change of a territorial government to a permanent State government, it is declared by this convention, that all rights, suits actions, prosecutions, claims and contracts, both as it respects individuals and body corporate, shall continue, as if no change

had taken place in the government. (See Const, 1851, Sched., § 1.)

Sec. 2. All fines, penalties and forfeitures, due and owing to the territory of the United States, northwest of the river Ohio, shall inure to the use of the State. All bonds executed to the Governor, or any other officer in his official capacity, in the territory, shall pass over to the Governor and other officers of the State, and their successors in office, for the use of the State, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

Sec. 3. The Governor, Secretary and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution. (See Const. 1851, Sched., § 10.)

Sec. 4. All laws, and parts of laws, now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect, until repealed by the Legislature, except so much of the act entitled, "An act regulating the admission and practice of attorneys and counsellors-at-law", and of the act made amendatory thereto, as related to the term of time which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practiced as an attorney-at-law, before he can be admitted to the degree of a counsellor-at-law. (See Const. 1851, Sched., § 1.)

Sec. 5. The Governor of the State shall make use of his private seal, until a State seal be procured.

Sec. 6. The President of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a Governor, members of the General Assembly, sheriffs and coroners, at the respective election districts in each county, on the second Tuesday of January next; which election will be conducted in the manner prescribed by the existing election laws of the territory; and the members of the General Assembly, then elected, shall continue to exercise the duties of their respective offices, until the next annual or biennial election thereafter, as prescribed in this constitution, and no longer.

SEC. 7. Until the first enumeration shall be made, as directed in the second section of the first article of the constitution, the county of Hamilton, shall be entitled to four Senators and eight Representatives; the county of Clermont, one Senator and two Representatives; the county of Adams, one Senator and three Representatives; the county of Ross, two Senators and four Representatives; the county of Fairfield, one Senator and two Representatives; the county of Washington, two Senators and three Representatives; the county of Belmont, one Senator and two Representatives; the county of Jefferson, two Senators and four Representatives, and the county of Trumbull, one Senator and two Representatives.

Done in convention, at Chillicothe, the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and two, and of the independence of the United States of America, the twenty-seventh.

In testimony whereof, we have hereunto subscribed our names.

Edward Tiffin, President and Representative from the county of Ross.

Adams county, Joseph Darlington, Israel Donalson, Thomas Kirker.

Belmont county, Thomas Caldwell, Elijah Woods.

Clermont county, Philip Gatch, James Sargent.

Fairfield county, Henry Abrams, Emanuel Carpenter.

Hamilton county, John W. Browne, Chas. Willing Byrd, Francis Dunlavy, William Goforth, John Kitchel, Jeremiah Morrow, John Paul, John Reily, John Smith.

Jefferson county, Rudolph Bair, George Humphrey, John Milligan, Nathan Updegraff, Bazaleel Wells.

Ross county, Michael Baldwin, James Grubb, Nathaniel Massie, Thomas Worthington.

Trumbull county, David Abbot, Samuel Huntington.

Washington county, Ephraim Cutler, Benjamin Ives Gilman, John McIntire, Rufus Putnam.

Attest: THOMAS SCOTT,
*Secretary.*

## COMMUNICATION

### From the Constitutional Convention to the President and Congress of the United States.

Chillicothe (N. W. T.), *December 4, 1802.*

*Honored Sir:*

Enclosed you will receive an address from the convention lately convened at this place for the purpose of forming a constitution and State Government for the seventeenth State of United America, and which has been made my duty to enclose to you, to be communicated to the honorable body over which you preside.

With every sentiment of respect, I have the honor to be, sir, your most obedient servant, Edward Tiffin.

*The Honorable the Speaker of the House of Representatives of the United States.*

### Address to the President and both Houses of Congress of the United States.

The convention of the State of Ohio, duly appreciating the importance of a free and independent State government, and impressed with sentiments of gratitude to the Congress of the United States for the prompt and decisive measures taken at their last session, to enable the people of the Northwestern Territory to emerge from their colonial government, and to assume a rank among the sister States, beg leave to take the earliest opportunity of announcing to you this important event.

On this occasion, the convention cannot help expressing their unequivocal approbation of the measures pursued by the present administration of the General Government and of both Houses of Congress, in diminishing the public burdens, cultivating peace with all nations, and promoting the happiness and prosperity of our country.

*Resolved,* That the President of this convention do enclose to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the United States, the foregoing address.

Done in convention, at Chillicothe, the 27th day of November, 1802.

Edward Tiffin,
*President of the Convention.*

Thomas Scott, *Secretary.*

## REPORT OF A. GALLATIN

### Relating to the Public Lands in the State of Ohio.

Treasury Department, *January 13, 1803.*

Sir: The gross amount of lands within the United States Military Tract is computed at two million five hundred and thirty-nine thousand one hundred and ten acres; one-thirty-sixth part of which, if appropriated for schools in conformity to the proposition of the convention of the State of Ohio, will amount to seventy thousand five hundred and thirty-one acres. The grants already made within that tract amount to one million eighty-one thousand two hundred and seventy acres, which, supposing the school appropriation to take place, will leave one million three hundred and eighty-seven thousand three hundred and nine acres therein for the future disposition of Congress.

If the modifications proposed by the convention shall be acceded to, it will be necessary to define the manner in which the above mentioned seventy thousand five hundred and thirty-one acres, as well as the sections to be given for the use of schools in those fractional townships containing less than three-fourths of an entire township, and in which the section No. 16 has been disposed of, shall be located. There are but thirty-seven such fractional townships in which that section did exist, and only twelve such sections have been sold. The mode of designating an equal number of sections in lieu thereof is not, therefore, material.

The seventy thousand five hundred and thirty-one acres in the Military Tract may be designated by directing that as many quarter townships (which quarters in that tract contain four thousand acres each) as will make up the whole amount, shall be selected by lot; and the same mode may be extended to the designation of the lands which Congress may assign for the use of schools in the Connecticut Reserve. But if it shall be thought proper to give an agency in the selection to the State, it will be necessary to limit the time within which that agency shall be exercised, and to provide, in case of failure on their part, for another mode of designating the land.

As the request made by the convention for certain lands in lieu of the township granted to J. C. Symmes and his associates for an academy, is no part of the modifications proposed to the original propositions of Congress, an immediate decision may not be necessary; and it seems proper and just that measures should, in the first place, be taken for the recovery of that township which was granted in trust to J. C. Symmes and his associates, and which, at all events, ought not to be applied to their private use, since they did not pay for it. The difficulty, in this case, arises from the following circumstances:

J. C. Symmes had originally applied for two millions of acres, and it had then been contemplated to give him a township for the use of an academy. The contract was, however, made with the Board of Treasury (in 1787), by his attorneys, Messrs. Dayton and March, for only one million of acres, and no grant or promise of an academy or college township was inserted in it.

In 1792, Congress directed that a township for that purpose should be included in the grant of lands to be made to said Symmes and his associates; and a patent accordingly issued, under date of 30th September, 1794, for a tract containing three hundred and eleven thousand six hundred and eighty-two acres, reserving five sections in each township for certain purposes; and further declaring, "that one complete township, or tract of land of six miles square, to be located within the approbation of the Governor for the time being, of the territory northwest of the river Ohio, and within the term of five years, as nearly as may be, in the centre of the tract herein granted, has been and is granted, and shall be holden in trust to and for the sole and exclusive intent and purpose of erecting and establishing therein an academy and other public schools and seminaries of learning, and endowing and supporting the same, and to and for no other use, intent, or purpose whatever."

At the time when the patent was granted there was, as Mr. Symmes states, but one entire township within its bounds; some sections having been sold in every other township, because he had not contemplated such reservation, and that one entire township remained so, only because it had been reserved by Mr. Symmes for himself and his associates. He applied, in 1798,

to Governor St. Clair, in order to obtain his approbation to the location of that township, in conformity to the words of the patent. Although there does not really appear to have existed any other unsold township at the time, the Governor refused his assent, because that offered was, in his opinion, of inferior quality, and not in the centre of the patent, and because a part of it was claimed by Elias Boudinot, one of Judge Symmes's associates. Since that time, it is understood that one-half of that township has been sold under judgments obtained against Mr. Symmes; the other undivided half is said to be still claimed by Mr. Boudinot under articles of agreement, dated before the date of the contract of Mr. Symmes with the Board of Treasury, and by which the last mentioned person agreed that he would, after he had received a title from the United States, convey to Mr. Boudinot, as his associate in the intended purchase, a part of the same.

As the patent is in the name of J. C. Symmes and his associates, it is not believed that the claim of any of the associates, as such, can affect the title of the public against them as trustees; but in what manner they shall be compelled to execute the trust is the question to be decided.

Perhaps Congress, at the same time that they shall direct legal measures to be taken for the recovery and due application of the land, might provide, that, if J. C. Symmes and his associates shall pay to the United States the original purchase money (two-thirds of a dollar per acre) for that township, with interest from the date of the patent, they shall be released from the execution of the trust, and the township confirmed to them for their own use; and they might also designate another entire township in the Cincinnati district, and as near to the Miami and Ohio as practicable, to be given in lieu of the other, in case either this should not be recovered, or J. C. Symmes and his associates should pay for it on the above mentioned terms.

Permit me to suggest, here, the propriety of opening a land office for the sale of all the remaining lands in the Military Tract, and also to repeal those parts of the general land law which forbid the sale of certain sections throughout the whole extent of the lands of the United States, except so far as relates to the

school sections and to the sections reserved for religious purposes in the lands sold prior to the law of the 18th May, 1796. The plan of reserving some sections in each township for the purpose of giving to the public a share in the increasing value of lands, originated at a time when lands were sold by the United States at a lower rate and in large tracts.

The present mode of disposing of the public lands, as under it none are sold until they have attained the value of two dollars per acre, effects the same object, and renders the reservation useless. No further precaution seems necessary in relation to that object, than to order a public sale of those reservations before they shall be offered on the usual terms.

The part of the Military Tract which shall remain for future disposition may be divided into sections and half sections, and a land office opened at Zanesville, for the sale both of those lands and of those lying north of the Ohio Company purchase, which now belong to the Marietta District. The sales have been so inconsiderable in that district that little doubt remains that the place selected for the land office was not the most proper. It is, however, suggested that the sales would be eventually promoted in that and in all other districts, by permitting the sale of fractional sections, without being attached to the adjoining entire section.

There is another circumstance which, though of inferior importance, seems to merit some consideration.

The price at which Congress sell their lands is advantageous to the population and prosperity of the State of Ohio. It has effectually destroyed the monopoly of lands, and throws the land exclusively in the hands of the actual settlers; yet it is considered as high; and, on that account, the payment of fees, in addition to the purchase money, is generally complained of. This objection should be removed, by giving to the registers a small salary or commission in lieu of their fees. About $500 a year to each, that of Marietta excepted, would be, I believe, a sufficient compensation, in addition to the half per cent. commission which they receive on moneys entered.

I have the honor to be, very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

The HON. JOHN RANDOLPH, ESQ.,

*Chairman of the committee to whom were referred the constitution and sundry propositions submitted by the State of Ohio.*

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## REPORT OF JOHN RANDOLPH

### RELATING TO THE ADMISSION OF OHIO AND THE PUBLIC LANDS THEREIN.

(COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEB. 2, 1803.)

Mr. Randolph, from the committee to whom were referred a letter from Edward Tiffin, president of the convention of the State of Ohio, and a letter from Thomas Worthington, special agent of the said State, enclosing the constitution thereof, together with sundry propositions in addition to, and in modification of, those contained in the act, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes," made the following report:

That the ordinance for ascertaining the mode of disposing of land in the Western Territory, passed by Congress on the twentieth day of May, 1785, establishes the principle of reserving one thirty-sixth part of the lands sold for the use of schools. That to this principle, equally liberal and wise, your committee believe it a sound policy to adhere, and to extend it wherever practicable. They are aware of the objection that the right of soil in the tract of country commonly called the Connecticut reserve, having been ceded by Congress without any valuable consideration, and no reservation having been made for the support of schools therein, the inhabitants of that portion of the State of Ohio have not equal claims on the bounty of Congress with those who, having purchased their lands of the United States, have contributed large sums to the public treasury. But if it be

recollected that the actual settlers are not, generally, those that have been enriched by that *extraordinary* donation, but purchasers under them, and at prices, it is believed, not inferior to those received for the public lands, and that whilst they are burdened with their full proportion of their expense of the State government, they are cut off from an equal participation of the benefits enjoyed by their fellow-citizens; when, moreover, it is considered that the provision for schools embraces not the emolument of individuals, but the interest of morality and learning, the committee are of opinion that Congress will perceive the propriety of acceding to a proposition, the tendency of which is to cherish and confirm our present happy political institutions and habits. This last consideration applies equally to the United States Military Tract, to the military reservation of Virginia, and to lands which may hereafter be acquired from the Indian tribes.

No objection suggests itself why the lands which are or may be appropriated for the use of schools within the State of Ohio should not be vested in the Legislature of that State, in trust for that purpose.

The appropriation offered in the third proposition of the act enabling the people within the limits of the present State of Ohio to become a coequal member of the Union, originating in the belief that it would at once enhance the value of the public lands and cement more strongly together the various interests of the confederacy, it is believed that these desirable objects will be equally promoted by applying a portion of the proceeds (so offered to be appropriated) to the opening and repairing roads within the State of Ohio.

The provision contained in the sixth section of the seventh article of the constitution of the State of Ohio, respecting the northern boundary of that State, depending on a fact not yet ascertained, and not being submitted in the shape of the other propositions from the convention to Congress, the committee have thought it unnecessary to take it at this time into consideration.

In relation to the grant to John Cleves Symmes and his associates, of one complete township, in trust, for the use of an

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STATE BUILDINGS AT COLUMBUS—1816-1852.

academy and other seminaries of learning, the committee recommend the adoption of a plan suggested by the Secretary of the Treasury, in a letter hereto subjoined, to which they beg leave generally to refer; and they respectfully submit the following resolutions, in addition to, and in modification of, the propositions contained in the act entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes," passed the thirtieth day of April, 1802:

*Resolved,* 1) That a donation, equal to one-thirty-sixth part of the amount of the lands in the United States Military Tract, within the State of Ohio, be made for the support of schools within that tract.

*Resolved,* 2) That a donation, equal to one-thirty-sixth part of the county of Trumbull, be made out of the lands within the United States Military Tract, for the support of schools within the said county of Trumbull.

*Resolved,* 3) That a donation, equal to one-thirty-sixth part of the Virginia Reservation, so far as the unlocated lands within that reservation (after the warrants issued by that State shall have been first satisfied) will supply the same, be made for the support of schools in the district contained between the Scioto and Miami rivers.

*Resolved,* 4) That a like provision for the use of schools be made out of any lands which may hereafter be acquired from the Indian tribes.

*Resolved,* 5) That the lands which now are, or hereafter may be, appropriated to the use of schools within the State of Ohio, be vested in the Legislature thereof, in trust for that object.

*Resolved,* 6) That not less than three-fifths of the sum offered to be appropriated by Congress for the opening of roads from the Western to the Atlantic waters, shall be appropriated under the direction of the State of Ohio, for the laying out of roads within that State.

*Resolved,* 7) That in lieu of the township proposed to be granted for the use of an academy, by the act passed the 5th day

of May, 1792, there be granted to the State of Ohio, for the purpose described in that act, one other entire township within the district of Cincinnati; provided that the State of Ohio shall relinquish to the United States all their claim, under the act aforesaid, against the said John C. Symmes.

*Resolved,* 8) That these propositions shall depend on the compliance by the State of Ohio with the provisions of the third proposition and second section of the aforesaid act, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," passed the 30th day of April, 1802.

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Sir: The committee to whom were referred sundry propositions submitted by the convention of the State of Ohio, to the Congress of the United States, have instructed me to request of you information on the following points:

1. The gross amount of lands comprised within the United States Military Tract.

2. Whether, through default of John Cleves Symmes, the intention of the United States to endow an academy or other public school with one entire township, hath been frustrated?

3. How far the purchasers under the aforesaid Symmes are bound to make good the said township, or the value thereof.

4. Whether the United States are bound to furnish an equivalent; and, if not,

5. How far it may be a matter of policy to comply with the proposition of the convention on that subject.

And such other information touching those propositions, generally, which the Secretary of the Treasury may deem expedient to lay before the committee.

With perfect consideration, I am, sir, yours,

JOHN RANDOLPH, JR.,
*Chairman of the Committee.*

ALBERT GALLATIN, *Secretary of the Treasury.*

## ACT OF CONGRESS RECOGNIZING THE STATE OF OHIO — 1803.

**An act to provide for the due execution of the laws of the United States within the State of Ohio.**

Whereas the people of the eastern division of the territory northwest of the river Ohio did, on the twenty-ninth day of November, one thousand eight hundred and two, form for themselves a constitution and State government, and did give to the said State the name of the "State of Ohio," in pursuance of an act of Congress entitled "An act to enable the people of the eastern division of the territory northwest of the Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," whereby the said State has become one of the United States of America; in order, therefore, to provide for the due execution of the laws of the United States within the said State of Ohio —

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said State of Ohio as elsewhere within the United States.

SEC. 2. And be it further enacted, That the said State shall be one district and be called the Ohio district, and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold at the seat of government of the said State three sessions annually; the first to commence on the first Monday in June next, and the two other sessions progressively on the like Monday of every fourth calendar month afterwards, and he shall, in all things, have and exercise the same jurisdiction and powers which are by law given to the judge of the Kentucky district; he shall appoint a clerk for the said district, who shall reside and keep the records of the court at the place of holding the same, and shall receive for the services performed by him the fees to which the clerk of the Kentucky district is entitled for similar services.

SEC. 3. And be it further enacted, That there shall be al-

lowed to the judge of the said district court the annual compensation of one thousand dollars, to commence from the date of his appointment, to be paid quarter-yearly at the Treasury of the United States.

SEC. 4. And be it further enacted, That there shall be appointed in the said district a person learned in the law to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars annually, as a full compensation for all extra services.

SEC. 5. And be it further enacted, That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees as are prescribed to marshals in other districts, and shall moreover be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Approved February 19, 1893.

# REPORT OF FIELD WORK

## Carried on in the Muskingum, Scioto and Ohio Valleys during the Season of 1896, by Warren King Moorehead, in charge of Explorations.

### PREFACE.

It is interesting to note that as general archæology progresses in the United States, men are more inclined to confine their observations to special or limited areas. A generation ago, before the Government, the Museums of our various cities and the Scientific and Historical Societies undertook large explorations, it was possible for one observer to cover the whole of the American field from the mouth of the St. Lawrence to Mexico. Later, as anthropologic science advanced, one essayed to write of the Mound Builders, another on the Cliff Dwellers and yet another upon the antiquities of Central America. To-day, scientists have so specialized that volumes may indeed be written upon the prehistoric remains of *one* river valley. This is the natural outcome of much study and investigation. What is true of every other science is also true of that most important branch of Anthropology—prehistoric archæology. In the past it was sufficient to briefly describe our mounds and earthworks, give their measurements, enlarge upon their supposed character and purpose, etc. Most of our archæologists in this modern age follow the natural history method, which, by the way, is by far the safest and most satisfactory, and study every little pottery fragment, flint implement, bit of shell or worked tool as carefully and persistently as does the palæontologist his fossil. With them, it is not so much the prettiest and most perfect specimen, but *all* the specimens which tell the story. A mound is explored by them, not for what it contains, but because something may be learned from its examination. The rude hammer stone*—an

* In this connection, Archæologist J. D. McGuire well remarks: "The hammer is homely at best, and is less sought for by collectors, but from an archæological standpoint the hammer tells us more of ancient times than does the celt."

object of contempt among ill-trained collectors of only fantastic objects,—the arrow head, the pottery sherd and the bones from the mound are religiously placed by themselves in one of the museum trays. Finds, poor though they may be, from other mounds are similarly treated, and in the museum do they study the mounds of the whole valley and compare the testimony with that of another.

Our Society must carry on this detailed, local work, if it would cover the State thoroughly and obtain the most satisfactory results.

Indeed, our work done otherwise, fails to extend archæologic knowledge and will surely bring upon our heads the condemnation of future generations. During the season described in this report our party constantly bore in mind the importance of local work and endeavored to make thorough the exploration of each section visited.

To Mr. Walter O'Kane I am indebted for assistance during the trip down the Muskingum from its source to McConnelsville. Mr. O'Kane acted as photographer and also rendered valuable services in directing the laborers at Coshocton and Duncan's Falls.

Mr. Clarence Loveberry accompanied me through Brush Creek Valley, along the Ohio River to Portsmouth and up the Scioto to Richmondale. Having had three summers' experience in the field, Mr. Loveberry took charge of the men in my absence. I am especially indebted to him for the exploration of the Harness Mound (which was carried on largely under his supervision) and for assistance in Perry County and at the Great Stone Mound of the Reservoir.

I desire to thank Mr. Clinton Cowen, C. E., of Cincinnati, for ground plans and surveys of the works on the Scioto and along the Ohio. Mr. Cowen was with our party two weeks.

To the following ladies and gentlemen, the Ohio Archæological and Historical Society, the Ohio State University and our survey are indebted for permission to excavate upon their lands, for personal courtesies and for information as to mounds, etc., to be located upon the State map:

Mr. Alderman, McConnelsville.
Mr. C. Ackerwood, Dresden.
Mr. F. E. Bingman, Jackson.
Mr. T. M. Bright, Chagrin Falls.
Mr. William Beaumont, Alexandria.
Mr. W. S. Bradshaw, Hanging Rock.
Gen. R. Brinkerhoff, Mansfield.
S. H. Binkley, Alexandersville.
Mr. G. F.Bareis, Canal Winchester.
Mr. Briggs, Portsmouth.
Mr. J. W. Barger, Waverly.
Mr. William Briggs, Fields.
Mr. Owen Brown, Thornville.
Mr. R. L. Condon, Omega.
Mr. J. C. Corwin, Waverly.
Mr. Austin Cooprighter, Glenford.
Messrs. Davis Bros., Diamond.
Mr. Flory, Newport.
Mr. J. V. Farver, Millersport.
Mr. Finley, North Liberty.
Mr. Feurt, Portsmouth.
Major Foster, Higsby.
Mr. A. C. Francisco, Akron.
Mr. Gamble, Walhonding.
Miss Hunter, Brink Haven.
Mr. E. Hyde, Lancaster.
Mr. Higby, Higby's.
Messrs. Harness, Richmondale.
Mr. H. Hope, Paint.
Mr. W. C. Hampton, Mt. Victory.
Mr. R. E. Hills, Delaware.
Mr. J. H. Johnson, South Portsmouth, Ky.
Mr. Johnson, Coshocton.
Mr. E. H. Moore, Athens.
Mr. G. F. Manning, Coshocton.
Mr. Wm. McCormack, Youngsville.
Dr. A. J. Marks, Toledo.
Mr. Monteath, Concord, Ky.

Mr. J. Maxwell, Coshocton.
Mrs. Jane McCullough, Youngsville.
Mr. John Montgomery, Youngsville.
Miss McCullough, Newport.
Mr. C. C. Naylor, Manchester.
Mr. J. R. Nissley, Ada.
Mr. Owens, Concord, Ky.
Mr. Plummer, Newport.
Mr. Patton, Youngsville.
Mr. E. S. Perkins, Weymouth.
Mr. Joseph Porteus, Coshocton.
Mr. Porteus, Sr., Coshocton.
The Quick Heirs, Loudonville.
Mr. J. M. Richardson, Wilmington.
Mr. L. Simonton, Lebanon.
Mr. J. Stout, Rome.
Mr. E. Schlupp, Lovell.
Mr. C. C. Stamin, Mifflin.
Mr. Sherwood, Malta.
Mr. Swarington, Newport.
Mr. L. D. Sprague, McConnelsville.
Mr. Tomlinson, Newport.
Mr. Tom Tipton, Williamsport.
Mr. J. W. Tweed, Ripley.
Mr. F. E. Williams, Wauseon.
Mr. Barton Walters, Circleville.
Mr. J. Williams, Youngsville.
Mr. George Workman, Walhonding.
Mr. Wilhelm, Duncan's Falls.
Mr. Frank Yost, Thornville.
Mr. Irvin Yost, Thornville.

Several gentlemen were especially courteous in obtaining permissions for exploration, in introducing us, in procuring collections and in showing us remains which might have escaped our notice. I acknowledge my obligations to them:—Mr. H. B. Case, Loudonville; Messrs. Pomerine, Coshocton; Mr. R. McCullough, Youngsville; Mr. Arrick, McConnelsville; Dr. W. H.

Robe, Youngsville; Mr. Charles Wertz, Portsmouth; Mr. Higby, Higby's Station; Messrs. Harness, Richmondale; Mr. W. H. Davis, Lowell.

WARREN KING MOOREHEAD.

*Columbus, O.*, Dec. 1st, 1896.

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## FIELD WORK DURING THE SPRING AND SUMMER OF 1896.

### SECTION 1. PERRY COUNTY.

Perry County is pretty well divided as to drainage between the Muskingum and the Hocking. The northern portion of the County is drained by Jonathan Creek, a tributary of the former. As our observations were to be confined to the Muskingum and its branches we did no work in the southern part of the County. We found that Hopewell and Thorne Townships alone contained more than forty ancient remains and that at least Jonathan Creek Valley, if not all of Perry County, is but a continuation of the great works known as the Newark Group.* But none of the mounds and enclosures can compare in size with them, and of the entire county but three structures can be placed in what may be termed "the first class," and they are the Reservoir stone mound, the stone fort and the earth enclosure near Glenford.

#### THE STONE MOUND OF THE LICKING COUNTY RESERVOIR

is located upon a high hill ten miles from Flint Ridge, two miles from the town of Thornville, Perry County, and seven miles from the stone fortification at Glenford. It is just over the Licking County line, north from Thornville, and overlooks the valley now filled by the Licking County Reservoir and formerly occupied by an ancient lake.

* See Squier & Davis' "Ancient Monuments of the Mississippi Valley", plate XXV; also "Notes on Ohio Archæology", by Gerard Fowke, plate V.

It is one of the greatest mounds in the State, but has never been generally known because at the time of the construction of the Reservoir, most of the sandstone blocks and fragments of which it is composed, were hauled away by the contractors and utilized in the formation of the Reservoir walls. At the present day it is upon the farm of Mr. Owen Brown.

Early in April, 1896, the structure was of the following dimensions: 189 feet northeast and southwest; 207 feet northwest and southeast; average height 8½ feet; maximum height 12 feet; minimum height 5 feet. From traditions and publications of early archæologists and from the curve preserved by a large tree on the north side, it must have been about 55 feet in height when completed. This tree, some five or five and a half feet in diameter, has an extensive spread of roots and holds in place a bulk of material 15 by 25 feet. (Figure I).

FIGURE I. Section of the Great Stone Mound, Licking County Reservoir.

Large stones, 20 to 40 pounds, originally composed the bulk of the mound, but these have been nearly all removed, and only the smaller ones, sand, earth and decayed vegetable matter remain. Work was begun early the morning of the 24th of March and continued for five days with an average force of nine men. Excavations proved that the mound rested upon original surface yellow clay (see museum specimens in tray 6285), that the

ground had been cleared and burned over; the sod line or base was one inch thick and interspersed with flint chips, burnt clay and a little charcoal and gravel. Figure II will show the struct-

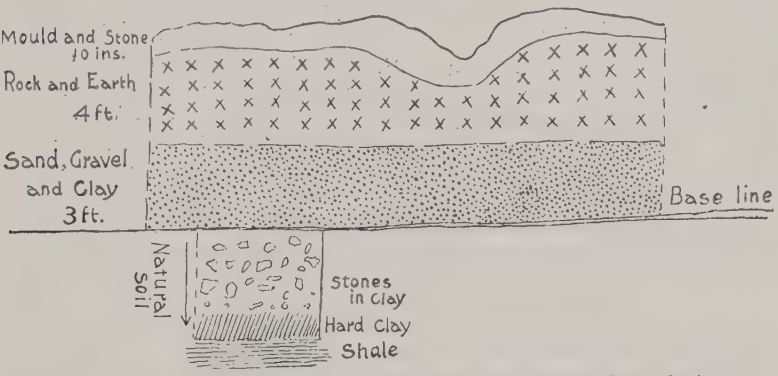


FIGURE II. Cross section of a portion of the Great Stone Mound of the Licking Co. Reservoir.

ure from natural clay down to shale and from the base line of the mound to the top. At this point the mound was nine feet high. Generally above the base line was three feet of clay in which a few stones occurred. The clay showed the "dumps" plainly. In some places instead of clay, sand was found, and our section exhibits such a part of the mound.

As near as could be determined, an undisturbed section of the mound 40 x 20 feet was selected and an excavation sunk to the original base line. In other parts of the mound eight or ten large holes were put down, but it seems that nearly the whole of the original area covered had been disturbed by those vandals who hauled away stone, not by the hundreds but by the thousands of wagon loads for the Reservoir walls. Thus, in the interest of modern progress, was destroyed one of the most important and imposing, if not unique, tumuli in the entire Ohio valley.

This may seem at first sight to be an exaggeration, but let us call your attention to the facts. We have, it is true, stone fortifications, enclosures and mounds. But these are never more than 12 or 15 feet high,—while the average is less than 6 feet. Hence a stone monument 30 feet high would be both unusual

and unique—a freak, as it were. Imagine the importance in pre-Columbian times, of a stone mound 50 or 55 feet in altitude. What important personages must have been interred in it! One old man, who visited the mound, said that as a boy he had seen several skeletons, covered with copper rings and plates, surrounded by chestnut logs. He thought these were found near the north side. Our excavations in sites which we took to be undisturbed, yielded no returns. Too thoroughly had the ignorant teamsters done their work of demolition.

One can conceive the magnitude of the task undertaken by the builders when it is remembered that the most conservative estimate places the number of wagon loads of stone hauled from this mound at 5,000.

The large mound was originally surrounded by a low embankment of earth which has disappeared. South of the mound is a small one 250 feet distant. It was 40 feet east and west, 28 feet north and south, and three feet high. It is composed of yellow clay and on the top were some large stones weighing from 40 to 60 pounds, about one hundred of them. We cannot assign a reason for its construction. We dug 20 x 25 feet, taking out all of the original mound. In the mound were found some burnt stone and one arrow-head.

We can find but one satisfactory reference to the exploration of this structure, and that is in Rev. J. P. McLean's "The Mound Builders:"* "Perhaps the largest and finest stone mound in Ohio was that which stood about eight miles south of Newark, and one mile east of the Reservoir on the Licking summit of the Ohio Canal. It was composed of stones found on the adjacent grounds, laid up without cement, to the height of about 50 feet, with a circular base of 182 feet diameter. It was surrounded by a low embankment of oval form, accompanied by a ditch, and having a gateway to the east end. When the Reservoir, which is seven miles long, was made, in order to protect the east bank so that it might be used for navigation the stones from this mound were removed for that purpose. During the years 1831-32 not less than fifty teams were employed in hauling them, carrying away from 10,000 to 15,000 wagon loads.

* Cincinnati, 1885, page 42.

Near the circumference of the base of the mound were discovered fifteen or sixteen small earth mounds and a similar one in the center. These small mounds were not examined until 1850 when two of them were opened by some of the neighboring farmers. In one were found human bones with some fluviatile shells, and in the other, two feet below a layer of hard white fire clay, they came upon a trough covered by small logs, and in it was found a human skeleton, around which appeared the impression of coarse cloth. With the skeleton were found fifteen copper rings and a breastplate or badge. The wood of the trough was in a good state of preservation, the clay over it being impervious to both air and water. The central mound was afterwards opened and found to contain a great many human bones but no other relics of any note."

In the possession of a farmer we saw an X-shaped copper ornament which he claimed came from the mound. It will be remembered that the so-called "Holy Stone of Newark" was found in this structure encased in a stone box. While any archæologist would admit the genuineness of the copper cross and bracelets, they have proven that the "Holy Stone of Newark" is a "fake" pure and simple. Mr. Warrick is the only surviving workman who assisted in the excavating at the time of the discovery. He knows nothing personally of the "Holy Stone," but did see the other relics. In this connection it might be well to quote the exposé as published in "Primitive Man in Ohio:"*

"Some writers have misrepresented and distorted field testimony to uphold theories previously formed. As an illustration of this, and of the great damage that it has done, we need but call the attention of our readers to the famous 'Holy Stone of Newark.'

"An enthusiastic archæologist resided many years ago at Newark, O. He was thoroughly in love with his work, and his life's ambition was to discover the origin of man upon the American continent. He believed the lost ten tribes of Israel to be the ancestors of the mound-building tribes. After opening mound after mound and finding no evidence whatever in support of his hypothesis, he became desperate. He purchased a

* G. P. Putnam's Sons, New York, 1892, page IV, preface.

Hebrew Bible and primer and shortly afterwards there was discovered in a stone box, in a mound that he had investigated, a slab, on one side of which was a likeness of Moses, and on the reverse an abridged form of the ten commandments. The stone attracted world-wide attention, and many publications were issued describing it. No one doubted the genuineness of the affair until after the man's death. In cleaning up his office the administrator found in a small rear room bits of slate with attempts at carving Hebrew characters upon them. They also found a fair copy of the wood-cut of Moses used as a frontispiece in the testament.

"The influence of this over-zealous deceiver has gone throughout the length and breadth of our land, and one may still hear at lectures upon American archæology statements concerning the Indian's descent from the Jew, basing such assertions upon the testimony of the supposed 'Holy Stone of Newark,' which, as is above shown, was simply a counterfeit."

We could not detect a trace of the small earth mounds mentioned by Rev. MacLean. Man has destroyed them all. Considering the size and character of the mound, one would naturally suppose that it would have contained much of value and importance. Viewed in this light our work was a disappointment.

### FRANK YOST'S MOUNDS.

A large irregular fortification and three mounds occur upon the farm of Mr. Frank Yost, three and a half miles south of Thornville, on a hill some 100 feet in height. Clay is used in their composition. The group is distant about two miles from the great stone fort on the hill south of Glenford. South of the fortification and almost adjoining it, is a circle enclosing a bird with wings outspread. The circle, as near as we could judge without the use of surveying instruments and employing a hundred-foot tape, was 652 feet around, 31 feet wide and 4 feet high. Its gateway faces to the north and was 23 feet wide. The bird effigy (body, head to tail), is 48 feet north and south. The east wing is 122 feet from edge of body to tip; west wing 111 feet from edge of body to tip. The body is 20 feet wide. The total

length from tip to tip is 253 feet. Measurements of the wings 20 feet from the ends are, east wing 31 feet, west wing 30 feet. A ditch existed between the bird and the circle. It has filled considerably and is now 18 inches deep. Its original depth was about four feet. The original distance from the bottom of the ditch to the top of the circle was 9 feet. The head of the bird was 28 feet from the center of the circle bank.

A small mound 100 feet northwest of the circle was opened and in it was found much burnt earth, charcoal and calcined stones, but no specimens. The mound is 40 feet in diameter and 4 feet high. There was a large deposit of burnt clay in the bottom. We excavated in the bird effigy, finding ashes.

Mr Austin Cooprighter owns an adjoining farm to Mr. Yost, and upon his land runs the same embankment for some four or five hundred feet. On the first terrace on Jonathan Creek, distant 300 yards from the fortification above, are two elongated mounds, one headed north and south and the other east and west. Large holes were sunk in Mr. Cooprighter's mounds and in the largest one were ashes, mica and burnt clay in quantities. Neither relics nor bones were found. Some time was spent in surface hunting over neighboring village sites with profitable results.*

IRVIN YOST'S MOUND.

On a high hill three and a half miles south of Thornville, is a mound 51x56x4½ feet. With the exception of a few large stones near the center, the mound was composed entirely of clay. We began on the south side with a trench 36 feet wide and carried it entirely through, finding charcoal, burnt earth, pottery fragments, flint implements, a circular disc and a hematite celt. Some decayed bones, all that remained of a skelton, were found. A village site extended to the northwest of the mound.

Mr. Atwater in his volume, "Archæologia Americana," describes the great stone work in Perry County, five miles north-

* Dr .Cyrus Thomas in a Smithsonian Institution Bulletin (Washington, 1891), entitled "A Catalogue of Prehistoric Works", reports some eight remains in Perry county.

west of Somerset, or one mile from Glenford.* His description is valuable in that it gives us some conception of the height of the walls and of the mound they surrounded. He says it resembled a sugar loaf and was 12 to 15 feet high at the time of his visit. We can judge of the enormous amount of stone taken away by neighboring farmers and contractors, for the mound is to-day but a pitiful heap of stones and the wall in places has about disappeared.

Not only because of their geographic position but also on account of similarity in construction and contents, do the mounds of Perry County belong to the Muskingum tribe. Art, as found in them, does not evince a high degree of culture, but it is very ancient and therefore of paramount importance. Perhaps one makes no mistake in venturing the suggestion that the people in this region had no commerce with other tribes. Certainly there is not sufficient mica, copper and other foreign substances to prove that trade relations existed.

Never have we witnessed so many chips and discs of Flint Ridge material (except at the Ridge itself) as occur upon the Perry County sites. Nearly every knoll was a workshop. Boys and farmers find thousands of arrows, spears, knives and scrapers of this material and yet the supply does not seem to be exhausted. Little other material occurs.

Flint Ridge stone being found in every county of Ohio settles as a fact the proposition that while we may consider one section of the State older than another, yet the quarries at the Ridge were worked through a long period of time. It is certain that the earliest men in Ohio resided within the State but a short time before they discovered and utilized Flint Ridge material. In this connection it would be interesting to ascertain if the quarries upon the Walhonding River are older. It is just possible that both localities may have been developed at the same period.

### Section 2. The Muskingum Valley Proper.

On May 6th Mr. Walter O'Kane and myself left for Mansfield with the intention of following the Muskingum from its

* American Antiquarian Society, Worcester, Mass., 1820, page 132.

source to the Ohio River. Our mission was two-fold—to locate upon our State archæological map all the ancient remains in the region and to explore burial places and collect specimens. The Muskingum as a whole has never been investigated by any institution and there was, consequently, almost nothing known regarding its pre-Columbian occupation except at three localities—Newark, Loudonville and Marietta.

Proceeding east from Mansfield we struck the head waters of Black Fork at a point where the stream was some twenty feet in width. We followed this down through Mifflin and Perryville, Ashland County, also through the edges of Holmes and Knox. As we drew near to Coshocton the valleys deepened and other tributary streams swelled the stream until it became the Mohican River and presently the Walhonding. We found many gravel burials, especially between Loudonville and Warsaw, but they were most numerous around Warsaw, Mohawk, Mifflin and Zanesville. We do not consider that the gravel knoll burials were made by the same tribe which erected the tumuli, but by an earlier and more primitive one.

MIFFLIN, ASHLAND COUNTY, BLACK CREEK VALLEY.

On Mr. C. C. Stamin's farm are several gravel knolls or glacial kames. In two of these decayed skeletons have been found three to five feet from the surface. About fifteen were found when grading for a bank barn was in progress. A few flint implements were with the bones. In searching the fields we found a hematite celt and a flint knife. Figure III shows Mr. Stamin's kame and barn on the site of the skeleton finds.

We dug several holes about the kame (shown in photograph, 16,201 museum number), but found no skeletons, all having been removed. In a large gravel hill at the edge of Mifflin we also dug without results. There are few mounds this far up the stream.

Reaching Perrysville we met Professor Sample, who has a large collection. He located mounds and village sites on our map. En route to Perrysville we stopped at the Copus monument, where whites were killed by Indians in 1812, and photographed it. It is an historic spot. We met and conversed with

the grandson of the pioneer. At this point, as throughout the valley, we purchased specimens of farmers.

FIGURE III. Kame containing burials, Mifflin, O.

From Perrysville Mr. O'Kane inspected the Delaware village site three miles up the stream, known as "Black Fork of the Mohican." He looked for graves and lodge sites, but was unable to find them, though he dug several deep holes. He also saw two mounds. Both had been examined.

LOUDONVILLE, ASHLAND COUNTY.

We began work the morning of the 8th on the Quick farm. There are two mounds, one about obliterated and the other standing 9x72x68 feet. The former is in low ground and the latter on a hill of 200 feet elevation. They are in the edge of Holmes County, just a little over the line in Washington Township. The nearly obliterated one was about ten inches high and was speedily excavated. Nothing in it.

The large one is composed of dark red clay and is shown in Figure IV. It had been partly dug some sixty years ago. In it were found two skeletons, a boulder layer and a slate

ornament. There were slight evidences of camp sites in the adjoining fields, but more in the valley below, along the stream.

We sunk a trench eight and one-half feet wide and nine feet deep and continued the same around the mound, widening it at the bottom. We found the mound had been built over a slight depression and therefore while but seven feet high on the north side, was nine feet on the east and south sides.

It was erected upon a burnt floor or base. Above this was a dark streak one-half inch wide; then a layer of ashes and pottery fragments and burnt bones one-half inch thick. A hard burnt

FIGURE IV. The Quick Mound, Loudenville, O., previous to exploration.

"pan" or floor, one inch thick and cement-like in character was above this. It seems to have extended over a space 12x15 feet. From the summit down to within one foot of the base line the structure exhibited no stratification. There was a heavy deposit of white earth eight inches thick above the hard floor.

We extended our trench forty feet in total length around the old or central excavation, examining all the earth as far as there were indications of burials, ashes, pottery, etc.

We found, some sixteen feet southeast of the center, a skeleton on the base line. It was much broken and decayed. However, a large piece of skull and some of the leg bones were secured. Thirty-five or forty beads lay about the neck. All the earth around

the skeleton was carefully examined with trowels, also sifted through our hands in search of more beads, but the string had been a small one.

The legs of the individual were crossed at the knees. Under them were some small pebbles of irregular shape.

Animal bones, chiefly deer, were in the ashes below the hard floor. Some fifty of these were found and about 400 pottery fragments.

Upon completion of the work we filled the trench to within a few inches of the top. Figure V shows a section of our trench and its curvature.

We inquired of local collectors as to other mounds, but ascertained that all of them had been excavated.

Mr. H. B. Case, of Loudonville, was with our party during the work in Ashland County. In the Smithsonian Institution report for 1881, pages 592 to 601, he describes the antiquities of his county. All the remains he mentions, together with some thirty others which we discovered, have been transferred to our State archæologic map. As Mr. Case is an authority we will present his report in full.

"A square inclosure with a gateway to the southwest is situated in section 36, Clear Creek Township, on the line between the northwest and southwest quarters of the section, upon land owned by John and Thomas Bryte. It is about 400 feet long by 200 feet wide, and has a gateway at the southwest corner near a very strong spring. In 1824 Mr. Bryte commenced to clear his farm. The embankment at that time was from three to four feet high and ten feet wide at the base. Both the embankment and the area were covered with large oak trees. The place now goes by the name of Bryte's Fort.

"Two mounds stand upon a high natural elevation (90 feet), covering about five acres at the base, and being about 60 by 90 feet on the top, which is nearly flat. Each is twenty-five feet in diameter and four or five feet high. They are situated on the northeast quarter section 35, Clear Creek Township. At least one of them was explored as early as 1844, by Thomas Sprott and brother, who found a number of human skeletons in a kind of

stone cist, upon which was almost a peck of red Indian paint. The bones were replaced.

"A circular inclosure containing two acres, more or less, is situated just north of the Atlantic and Great Western Railway

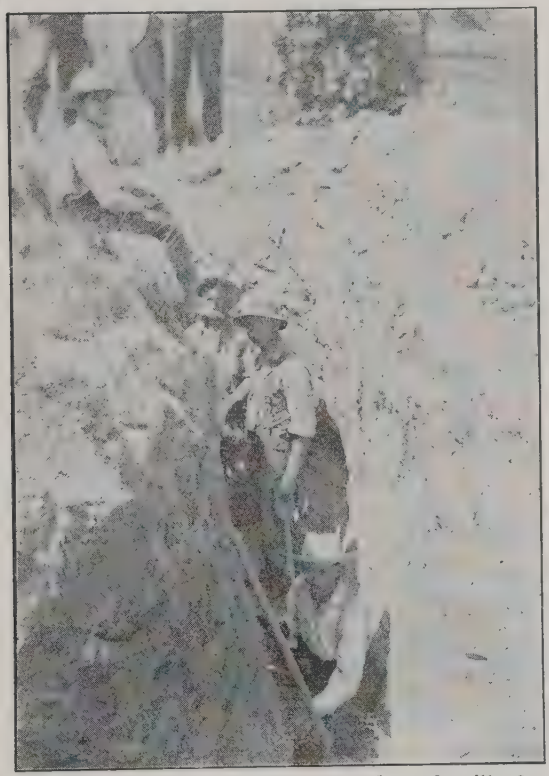

FIGURE V. Trench in the Quick Mound, Loudonville, O.

and within the city limits of Ashland. The farm was formerly owned by Henry Gamble. In 1812-'15 the first settlers found embankments from three to four feet high and from eight to ten feet wide at the base. A forest of oak, hickory, sugar and ash grew upon and near this work. It overlooked the valley to the south and east, and had a gateway at the southwest opening near a fine spring. The site has been plowed for more than fifty years; and scarcely a trace of it remained in 1878.

"There is a circular inclosure located near the north line of the northeast quarter section 9, Mohican Township, one mile east of Jeromeville.

"On the farm of Nicholas Glenn is a mound and an earthwork. Information might be obtained from John Glenn, Jr., or from William Gondy, an old settler, both of whom live at Jeromeville, Ohio. The works are about two miles southwest of Jeromeville.

"The Mohican town called Johnstown was located here. In the years 1808-'10 it contained Delawares, Mohegans, Mohawks, Mingos, and a few Senecas and Wyandots. Captain Pipe, a Wolf Indian, ruled the village until he left it in 1812.

"A large circular inclosure and burial mound are situated in Wayne County, just south of the road leading from Lake Fork to Blatchleysville and just east of the road leading from McZena to Blatchleysville. These remains are upon a high, gradual elevation overlooking a vast range of prairie, northeast and southeast, as well as the valleys westward. The circle is a little less than one-third of a mile in circumference. At present the embankments are from one to two feet in height. The area and embankment are covered by the forest growth, which is not older than sixty or seventy years, the Indians having burned this region annually until about 1812, for the purpose of hunting. Years ago the mound was opened by unknown persons. In 1876 the author visited it, and found that an animal had burrowed into it and brought out a fragment of skull, which is now in his possession. Some time after, Mr. Thomas Bushnell, of Hayesville, made excavations in the mound and found only bones, among which was a well-preserved skull. The mound is twenty-five or thirty feet in diameter and four feet in height.

"A small mound, three or four feet high and fifteen feet in diameter, stands upon a very high hill, perhaps the highest land in the county, and is composed of stone and clay. It was excavated some years ago by Dr. Emerick and a Mr. Long, who are said to have found a skeleton in a kneeling or sitting posture, and a pipe, both near the center. The author was unable to learn what had become of the pipe. Messrs. H. B. Case and J. Freshwater made another examination in 1876, but found nothing. There is a

large spring at the foot of the hill, on the east side, but it is nearly half a mile from the spring to the mound on the hill.

"In 1876 the author, in company with Mr. J. Freshwater, made a slight examination of this mound. It is twenty or thirty feet high, oval in shape, and over 100 feet long. The citizens regard it as an artificial mound, but we considered it a natural elevation of gravel drift. Excavations might change this view. The mound is located on the west side of the Lake Fork, and just north of the road and bridge leading from Mohican to McZena in Lake Township.

"A mound is situated on the lands of J. L. and Cyrus Quick, in Washington Township, Holmes County, Ohio. It stands upon an eminence which slopes gradually for half a mile southward toward the bottom lands of the Lake Fork; northward and westward it declines a short distance to a small valley extending to the southwest. It is about five or six feet high, and thirty feet in diameter. Some trees were growing upon the mound when the author first visited it, some twenty-seven years ago. The trees were perhaps not of more than one hundred years growth, but were as old as the trees in the immediate vicinity; not far from it, however, were oak trees two and three feet in diameter. The mound was excavated about 1820-'25 by Isaac and Thomas Quick, Daniel Priest, and others. It is said that, upon making a central excavation, they found a wooden puncheon cist, together with some human remains, and ornaments of muscle shell, which appeared to be strung around the neck. All the remains are reported to have crumbled away on being exposed to the air. It is difficult to ascertain the facts concerning this excavation. It has been said that some pottery was found also. Additional remains might be disclosed by further investigation. The persons who made the excavation are dead.

"A lake is situated a short distance from the mound, on the farm of D. Keck, Washington Township, Holmes County, Ohio. In draining this pond a cache of flint implements was discovered. Specimens of these implements may be seen in the Smithsonian collection. The remainder are in the author's possession. (See Smithsonian report of 1877, article by H. B. Case.)

"There are mounds southeast of Odel's Lake, upon the sum-

mit overlooking the lake, on the farm of J. Cannon. They were excavated by Dr. Boden, of Big Prairie, Ohio, who has in his possession some teeth, jaw bones, and long bones taken from them. He says that they should be further examined. The author has not visited the mounds.

"A mound stands on the summit of Dow's Lake, one mile northeast of Loudonville, just east of the Holmes County line. It was excavated about 1855 by Dr. Myers, of Fort Wayne, and D. Rust, who found a skeleton near the center, whose structure is of stone and earth. The top has since been leveled by the plow. In 1876, Mr. Lucien Rust made some excavations upon the site of the mound, and great numbers of stone were removed. At length a kind of pot or cist was unearthed, which was about 18 inches in diameter and 8 or 9 inches deep. It was formed of stone, and the edge was covered by other stones which made a roof over the pot. The removal of this roof or top showed that the cist was filled with charcoal, apparently closed while glowing coals. About 4 feet below this charcoal deposit human remains were found, reposing horizontally. Near the left hand was a perforated stone having the figure of a bird, resembling slightly the pheasant, scratched upon it. A part of a bone implement was also found. The bone, which is of firmer texture than the human bones, and is perhaps a part of the leg-bone of a deer, had been perforated, evidently with a stone drill. Lying across this lower skeleton and some distance above it were the remains of another. But little of the mound has been excavated and further examination should be made. From the mound the view of the surrounding country is very fine. The mound proper has been obliterated for some years, but the site can be observed by a slight elevation and the great number of stones scattered about and upon it. There must have been a kind of hollow made in the Waverly shale which lies near the surface upon the underlying Waverly sandstone, of which the hill is composed, because when one digs the same depth elsewhere on the hill the shaly sandstone is penetrated. The stone implement is in the possession of L. Rust, Loudonville; the bones, bone implement, and charcoal are in the author's cabinet.

"A mound is situated just north of Loudonville, on the sum-

mit of Bald Knob. For a long time it was supposed by the citizens of Loudonville to have been formed by counterfeiters in former times. The author excavated it in 1877, and found it a veritable mound containing fragments of human bones and of charcoal. Being encased with large sandstones, and composed of stone and earth, it is very difficult to excavate. As there has been a central depression for a great many years, what remains the mound contained of a perishable character have probably been destroyed by the collecting of water. This site also commands a fine view of the Black Fork valley.

"The settlers of 1808-'09-'10 found here a village of Delawares, the remnant of a "Turtle" tribe. Their chief was a white man, taken in infancy—Capt. Silas Armstrong. They removed to Piqua, Miami County, Ohio, in 1812, the site of the old burying-ground, now almost entirely obliterated by cultivation. It is located a few rods north of the Black Fork, upon a gentle eminence, in the southwest part of northeast quarter section 18, Green Township. The southern portion of the site is still in woods, and the depressions that mark the graves are quite distinct. Henry Harkell and the author exhumed several of the skeletons in the summer of 1876. In some cases the remains were inclosed in a stone cist; in others, small rounded drift-bowlders were placed in order around the skeletons. The long bones were mostly well preserved. No perfect skull was obtained, nor were there any stone implements found in the graves. At the foot of one a clam shell was found. The graves are from $2\frac{1}{2}$ to 3 feet deep, and the remains repose horizontally. A few relics, such as stone axes, arrow-heads and a few bits of copper, have been picked up in the immediate vicinity. They are in the hands of the author. On the opposite side of the stream and some distance below, near the south line of southeast quarter-section 18, Green Township, there are ancient fireplaces. They are about 15 inches below the present surface, and are formed of bowlders, regularly laid. The earth is burned red. Great numbers of stones have fallen into the stream during its incursions upon the west bank. Some three or four of these fireplaces are yet plainly visible, but in a few years they will be swept away by the current. About half a mile east of the graves is a small circular

earthwork almost razed. It contained about 1½ acres, and had a gateway looking to the river, which is westward. It is situated upon the nearly level bottom land of the beautiful valley.

"Upon the high ridge separating the valleys of Black Fork and Honey Creek is a depression filled with large and small bowlders. J. Freshwater and the author removed them to some depth, but as the stones were heavy we desisted from further investigation. This point would command a view of the valley of the Black Fork, overlooking, as it does, the old village of Greentown; and by walking a few rods eastward on the same eminence a view of the valley of Honey Creek might be had. Most of the trees on this height are less than 100 years old. It may have been timberless during the occupation of this work. The excavation appears to have been about 15 feet in diameter.

"There is a stone mound, situated on a lofty eminence overlooking the Black Fork valley northwestward, and eastward the valley near Loudonville. The author has never seen the work, but it has been described to him as a small stone and earth mound such as are usually found on high points.

"A short distance northwest, on the farm of L. Oswald, southwest quarter-section 18, in the woods, is a mound about 30 feet in diameter and from 4 to 6 feet high. It was slightly opened at the center by the owner of the lands, who found part of a skull.

"A mound and earthwork are located upon the old Parr farm, now owned by C. Byers, in the northwest part of southwest quarter-section 19, Green Township. The mound stands on the west side of the Black Fork, within 2 or 3 rods of the stream. It was quite large originally, perhaps 8 or 10 feet high and 35 to 50 feet in diameter. At present it is from 4 to 6 feet above the level of the bottom land and is spread over a considerable space. When the first settlers came, there was an earthwork running a little southwest from the mound for some 20 rods, then back eastward to the river. The place has been under cultivation for forty or fifty years and the work is now obliterated. The mound was encased with a wall of sandstone bowlders as large as a man can lift.

"These stones must have been carried from the hill half a mile west where they are found in place. The wall was carefully laid, as can be seen by excavations below the depth of the plow where the pile is still intact. The mound was examined in 1816 by some persons named Slater, who found in it bones, flint implements, a pipe, and a copper wedge which they thought gold. Accordingly they took it to a silversmith at Wooster, Ohio, who told them that it was copper, and bought it from them for a trifle. In 1878 the mound was explored by J. Freshwater and the author. The center of the mound, where not disturbed by former excavations, resembles an altar or fire-place where the fire had burned the earth to a brick-red. In the ashes and burnt earth were fragments of arrow-heads broken by the heat. The fire had been kindled on the mound when it was from $2\frac{1}{2}$ to 3 feet high. No human remains were discovered in this last excavation. A few scrapers were found, which are in the cabinets of the above named gentlemen.

"On the summit of a hill west of Perrysville, and to the right of the road leading to Newville, was a mound, now entirely obliterated. In 1816-'20 it was opened by the Slaters, who found a pipe, human remains, and some other relics.

"A large oval earthwork is on the summit of the ridge between the valleys of Black Fork and Clear Fork. It is 210 feet wide by 350 feet long. About the center of the inclosure was a large pile of stone bowlders, most of which have been removed to the level of the ground. There is, however, a visible outline of the stonework, which consisted of a paved circular space. No excavation has been made in either the stone or clay work beyond 1 or 2 feet in depth; consequently the character of the mound is unknown. A forest, containing oak trees over 30 inches in diameter and other large trees, covers most of the work, but a portion extends into a field and has been almost razed by the plow.

"On a high hill directly north of the junction of the Black Fork and the Clear Fork, and overlooking the same, is a stone and earth mound composed principally of large sandstones from the immediate vicinity. Some twenty or twenty-five years ago it was explored by unknown persons. The author examined it

again in 1877, but discovered nothing. A similar mound is said to have been located upon the hill south of the Clear Fork, just below the junction of Pine Run. The stone were hauled away and the site plowed over.

"The old Delaware village of Hell Town is on the Clear Creek in Richland County, near Newville. It is on the south side of the stream about 4 miles from the Ashland County line. It was deserted about 1782, the time of the massacre of Gnadenhutten. Graves were visible until two years ago; the field is now cleared and plowed. In the author's cabinet are two iron scalping-knives and an iron tomahawk which were thrown up by the plow; also the brass mountings of a gun, a gun-flint, a stone ax, and some arrow-heads. Dr. James Henderson of Newville, Ohio, has in his possession several articles obtained from this site. The Indians formerly called their settlement Clear Town, and the stream Clear Fork, but learning the German word hell, for clear or bright, they changed the name to Hell Town.

"A rock shelter is located on the west side of Clear Fork, in the conglomerate sandstone of the Lower Carboniferous. It was explored in 1877 by L. Rust and the author, who found about 2 feet of ashes intermingled with a few animal bones and coprolites. No human remains were disclosed excepting a split bone, and even that is doubtful. The ashes continue deeper, and further examination might prove interesting."

At Brink Haven the stream (Mohican River) is large and can be navigated in a canoe. There are many stone mounds on both sides, upon the high hills.

On the Hunter farm one mile below the village, is a small mound 3 feet high and 35 feet base, made of yellow clay. It is shown in Figure VI. Although thoroughly examined, there was nothing found in it.

Mr. Gann lives opposite the Hunters, across the Mohican. On his farm are two mounds 300 yards apart. One is 4 feet high and 35 feet base. Both are injured by cultivation. In the larger one we found some charcoal. Four large white flint arrow-heads lay about a foot from the surface near the center. Nothing else was found.

The small mound contained charcoal and burnt earth. There were no bones or relics. Both mounds were examined thoroughly.

FIGURE VI. The Hunter Mound, Brink Haven, O.

We reached Walhonding late in the evening of the 12th. We saw a cache of rough flint implements in the possession of Mr. George Workman. He found them in a pit 3 feet deep when clearing a woods. They occupied a space 2x1½ feet, and numbered more than 400. People have carried off about half of the cache. The others yet lie in his yard.

We went six miles up Green valley to Mr. Staats', where a large mound 7x65 feet was reported. It had been excavated, some one having run two large cross trenches through it. We did not attempt to dig in it.

On the Gamble farm, 3½ miles up Owl Creek, were two mounds in the front yard. Each was 40x4 feet and the edges within 20 feet of each other. Both were thoroughly trenched, but nothing was found, except two small arrow-heads.

It is singular that the Muskingum mounds contain so little. We cannot account for it save in this wise: that the culture was

very low and the mortuary customs different from those in vogue in the Scioto valley.

On the way back in passing a gravel pit we secured the skeleton of a young person. It had been buried near the pit by the workmen who exhumed it.

Walhonding appears to have been built over several mounds and a village site. On the north edge of the village are two mounds yet standing. One owned by Mr. Johnson is 9 feet high and 69 feet in diameter at the base. Mr. P. Neff had sunk a trench through it several years ago. We found his trench to be 5 feet wide at the top and 4 at the bottom. He does not report having made any discovery.

There seems to have been no considerable number of burials in this structure, for we found only one decayed skeleton, near the center and 3 feet above the base line. Nothing remained but the teeth. Not far from the bones was a cone-shaped stone (see Figure XXV). There were a few broken and one

FIGURE VII. The Johnson Mound, Walhonding, O.

whole arrow-head scattered through the soil. Little burnt earth and charcoal on the base.

The mound was very promising and we could not account for its lack of contents. See Figure VII.

THE WORKMAN MOUND.

On the farm adjoining Mr. Johnson's there is a small mound 2 feet high and 60 feet in diameter. It originally stood some 5 feet high but had been reduced by cultivation. The excavating required but a trifle over an hour, yet the results were very satisfactory. (See Figure VIII).

FIGURE VIII. The Workman Mound, Walhonding, O. Barely high enough to trace its outline.

Near a decayed antler and other deer bones, was found an unfinished stone tube of hard material. The perforation is but begun, yet the stone is dressed and ready for polishing. A little south of the center of the mound were traces of bone, but so decayed that nothing could be preserved. Above these traces and lying in a layer with edges overlapping were 67 leaf-shaped implements.* They are all of clear chalcedony. North of them were some 500 small scales and fragments of flint (of the same kind) in a heap or pocket. We take it, from their size and

* See also Figure XXIV, page 238.

form, that they are the very fragments struck off in the manufacture of the leaf implements. Never having heard of a cache accompanied by the chips and spalls, we look upon this discovery as one of interest to the archæological world.

Dr. Cyrus Thomas, in his Catalogue of Prehistoric Works, notices in Coshocton County 16 various remains. Our survey noted all of these, examining most of them, and recorded some thirty additional ones. Dr. Thomas says: "At Flint Ridge, on the north bank of the Mohican River, between Walhonding and Warsaw, numerous pits show that is was much worked. There is a thick layer of dark flint overlooking a stratum of chalcedony; the latter seems to have been the kind sought." While most of the implements in the valley for twenty miles either up or down from the quarries seem to be of the Coshocton flint and chalcedony, yet the Muskingum valley as a whole was supplied from Flint Ridge in Licking County. The Coshocton quarries are small and of limited extent compared with those of Flint Ridge. The same methods of quarrying seem to have been in vogue and a description is therefore unnecessary.

A deposit of chalcedony (the implements found in the Workman mound above Walhonding seem to be of material from this quarry) occurs upon the farm of Col. P. Methan in the south central part of Jefferson Township.

In Muskingum Dr. Thomas reports three mounds and one group of enclosures. The latter are near Zanesville and were described in "'Ashe's Travels," page 108. The works are now about obliterated.

### THE LARGE PORTEUS MOUND.

In the neighborhood of Coshocton there were a large number of mounds and village sites. The town itself has covered two mounds and obliterated a large village site. Few town sites in the Ohio Valley can lay claim to being both prehistoric and historic, but Coshocton can justly assume this honor. After the mound period it was inhabited by the Delawares, Mingoes, Shawnees and other tribes from 1720 to 1790. The student of Indian and pioneer history is familiar with the various expeditions sent against the tribes of the Tuscarawas and Walhonding. Memo-

ries of such names as Logan, Cornstalk, the Half King, Pontiac, Brandt, etc., cluster about the place. The early missionaries—those self-denying Christians, Heckewelder and Zeisberger, also played a part in the history of the upper Muskingum.

About two miles below Coshocton stand two mounds. Both are on the Porteus estate, the one twenty-three feet high and 120 feet base; the other, four and one-half feet high and fifty feet base. For many years persons have endeavored to secure permission to excavate them but without success. Mr. Joseph Porteus and his brother kindly gave consent for the examination of the interesting tumuli. Of the large mound little need be said. Sixteen men were employed day and night for four days in sinking a trench thirty-five feet wide and seventy feet long. The sides were loose and dangerous, and heavy bracing was necessary. It was composed entirely of earth and unstrati-

FIGURE IX. The large Porteus Mound, Coshocton, O.

fied. There were few pieces of charcoal noticed and no burnt earth. No difference in color was observed even on the bottom, and there were no soft places, the entire mass being hard packed.

While work progressed a boy found a most beautifully chipped six-inch spear head by the base of the mound. (Specimen* 7896.)

This mound is shown in Figures IX and X. It was impossible to get the whole mound in the negative without removing the camera some 200 feet distant. On this account the structure appears to be smaller than it really is. Some idea of its height can be obtained by comparing the men who stand on the top with the structure from the plowed ground to its summit.

After exceedingly laborious and dangerous excavation, the bottom of the structure was reached. To our chagrin one or two small bones, a ceremonial of galena, a few pottery fragments and flint chips were found. No burials were discovered, although tunnels were run in for several yards on the base line in various directions. This was disappointing, especially after the expenditure of a large sum of money. However, we learn again

FIGURE X. The large Porteus Mound when the trench was nearly completed.

that it is not always the largest and most imposing monument which contains the greatest treasure. Failure to find anything cannot be charged to imperfect or hasty exploration—the whole

* Museum number.

center of the mound was exposed by the trench and tunnels for a distance of thirty by twenty-five feet. As it was desirable to restore the monument to its former shape, we engaged Mr. Porteus to fill our trench.*

Upon the same property is a small mound situated about 400 yards north of the large one. It is four and one-half feet high, with a base of fifty feet. Mr. Porteus says that it was originally eight feet high, with a base of thirty-five feet. As our force of workmen was considerable, we were less than half a day examining its contents.

Most tumuli are entirely of earth, but this one was largely of pure sand and rested upon a knoll of sand. The burials were three to four feet below the surface and all considerably decomposed. Of seven skeletons exhumed, but few fragments were preserved. Numerous flint chips, a few arrow-heads and three bear tusks constituted the finds. No order was observed in the burials with reference to cardinal points, nor were any two skeletons headed in a common direction.

The following day we visited a fortification three miles up the Walhonding upon Mr. Miller's farm. It is on a hill some 200 feet high and overlooks the valley. Many of the citizens of Coshocton claim it to be a French fort, but we would call it decidedly Indian in form. It is some two acres in extent, the embankment low and broad. Where preserved by woods it appears to have originally been five feet high. A long passage way from the valley below leads up to it, and in this respect the place is peculiar. The passage is some fifteen feet wide on the average and walled on either side by natural ledges eight to twelve feet high. We think the enclosure merits future investigation.

Up the Walhonding, three miles from Coshocton, is a mound five feet high and sixty feet in diameter on the land of Mr. M. C. Maxwell. Situated upon the second terrace it is 200 yards from the river. Some one had sunk a small hole in the center. Marking a space 28x35 feet we removed about all the area originally covered by the mound, and found ten skeletons, some of

* At no time were less than sixteen men employed and for two days we had nineteen at work. No larger force was ever put on a mound in the Ohio Valley.

which were well preserved. The humeri and other bones showing peculiarities, we removed entire or nearly so. Previous digging had disturbed two skeletons in the center, cutting one body in halves at the hips and destroying all of another save the skull. It was interesting to note that in the eight years since the central excavation had been made, the bodies near it were more decayed than those farther away, all of which tends to confirm the facts that the skeletons in a mound decay very slowly if so placed that water cannot reach them, and that a few years of exposure to moisture will cause more decay than three hundred years of dry interment.

As was remarked in the case of the small Porteus mound, no order was observed in the interment of these remains. All were extended and lay upon the base line. A polished bone knife or cutting tool, some arrow-heads, pottery, etc., were found.

"Skeleton B" is the most remarkable one in the mound. When the cranium was reached, though fragmentary, it was found to bear evidences of having a section about the size of a nickle removed from the frontal bone on the crown of the head. Whether this is evidence of trepanning or the result of a blow from some round instrument, is to be determined by one of our medical experts. We have sent the fragment to the Smithsonian Institution and await the opinion of experts in craniometry.

This having finished the work about Coshocton, we set out in a large skiff down the Muskingum for Zanesville. Many, many Indians, traders and pioneers have made this trip, and as we moved along we could but think of the history of the stream and its importance to our native Ohioans.

At Duncan's Falls there are some tumuli, and we opened a mound upon the Wilhelm farm one mile southwest of town, upon a hill. It was of earth containing numerous ashes. A former excavation (small) had been put down from the center, and one skeleton found. The other had not been disturbed by this excavation. The first skeleton was found on the north side of the mound. The bones below the knee were all decayed, other parts well preserved and nearly all saved. Near the center was found the second skeleton. It was buried in ashes with its head to the north. Across the cervical vertabræ was a clay pipe,

broken, but yet in such fragments as will permit restoration. Near the skeleton was a large number of charred deer bones in ashes. No chips of flint occurred in the mound. In the left temple of the skull was a hole evidently made by some sharp pointed instrument. The cranium was preserved nearly entire.

Dimensions of the mound, seventy feet broad and eight feet high.

Down the river at Malta (opposite McConnelsville) we found many mounds and secured permission to excavate in several. At Mr. Sherwood's farm, three miles above Malta, we found two mounds upon a hill overlooking the Muskingum. The small one was of stone, the larger of earth. Their dimensions were eighteen feet broad, two feet high, and seventy feet broad and eight feet high. In the small one were fragments of decayed bone and two leaf-shaped spear heads of great beauty. The stones were large and ran from ten to thirty pounds in weight. But thirty feet intervened between the two mounds.

In the large one we ran two broad trenches, finding a layer of ashes at the bottom. No skeleton could be located, but we found a nice discoidal stone and some flint chips. There is a village

FIGURE XII. The larger Sherwood Mound, Malta, O.

FIGURE XI. The McHenry Mound, five miles above Malta, O.

site of some acres in extent upon the terrace below the mounds. The surface material upon it is not very thick. Figure XII represents the large one.

Five miles north of Malta on the McHenry farm is a clay mound which has been much cultivated. It is four feet high and seventy feet base. Absolutely nothing was found in it. (See Figure XI).

Upon a high hill in the edge of McConnelsville is a large mound owned by Mr. Alderman. He consented to let us explore it, although his residence is but sixty feet distant and the mound really a lawn ornament. We did the work with care and restored the structure to its original form.

Being well preserved, this fine earth monument stands eight feet high and sixty feet base. It overlooks the river and the Sprague mound in the center of town below. Perhaps the elevation of Mr. Alderman's lawn above low water in the river is 175 feet.

In the center, and just above the base line, we uncovered some two bushels of ashes, and in them a child's remains. But for the remarkable preservative power of ashes, these bones would have decayed long ago, for the infant was but one or two months old. A most beautiful bone awl, one of the best ever found,

accompanied the remains. There were no other objects. In a south side excavation we found a large spear head of Coshocton County material.

Mr. Sprague, who owns a large mound directly in the heart of McConnelsville, gave us permission to explore in the month of October.

Accordingly, we went to McConnelsville the 20th of October and thoroughly explored Mr. Sprague's mound, also giving a lecture in the Opera House to citizens on the work of the society. It was found that the mound could be best explored by means of tunnels and therefore we began at the south side and ran two main tunnels nearly through the structure. Branches were run from these and the whole interior of the mound thoroughly explored. The tunnels were about three feet wide at the bottom and about four feet high and, with the branches, extended a total of 100 feet.

The base of each tunnel was about a foot below the bottom of the mound. Three skeletons were encountered, one on the east side, fairly well preserved, and two upon the west, both decayed. The former was near the top of the mound and had been covered by large, flat limestone slabs. The latter were upon the base line and we considered them original interments. The first may have been an intrusive burial. With one of the decayed skeletons we found a fine coffin-shaped, perforated ceremonial, such as is shown (to the right) in Figure XXI of this report. A few curious water-worn stones, noted for their odd shapes, and a broken ceremonial lay upon the base line near the second decayed skeleton. There was nothing else in the mound.

It was built upon a slight knoll or elevation of gravel. Very few stones and but little gravel occurred in the mound. The clay of which it was built is such as occurs in the immediate neighborhood. As this mound was in Mr. Sprague's front yard and its exploration necessarily caused him much inconvenience, we are under special obligations to him for his kindness.

Although the Sprague mound was opened five months after Mr. O'Kane and myself returned from our examination of the Muskingum, it may be fairly stated that with the Alderman mound ended the work in this region.

From McConnelsville we drove ten miles down the river, inspecting mounds, etc. From that point to Marietta we accepted the testimony of Mr. Willard H. Davis, of Lowell, Washington County, who is better posted than any one else.

Rock carvings have been found at several points along the Muskingum.

Pictographs cut into the surface of a large boulder lying along the bank of the Muskingum were noticed by several gentlemen and communicated to Washington in 1842.* The marks represented tracks of birds, figures, etc. We inquired diligently but no one had ever heard of it anywhere along the river from Coshocton to McConnelsville. We did obtain description of a carved face cut in relief on the walls of the gorge near Brink Haven on the Mohican in the edge of Knox County. In connection with this carving occurred one of the greatest pieces of vandalism ever brought to our notice. A man living in Brink Haven (now a barber in Springfield) deliberately chipped off the nose of the sculpture, after which he mutilated the eyes and mouth. We should have a law to punish such offenders. Such a thing would not be tolerated in Europe, and the culprit would be taught to respect antiquities.

Caleb Atwater, during his observations on archæologic matters, knew of mounds along the Muskingum but does not attempt to describe them, for he proceeds down the river to Marietta. He observes, however, that the mounds have not been surveyed and that they are in Morgan County near the river. Possibly he refers to those near McConnelsville.

Dr. Thomas, in his "Catalogue of Prehistoric Works," lists about one-tenth of the number.

Of the whole Muskingum region, as to number of monuments, of course Licking and Washington Counties stand first. We have purposely omitted descriptions of the groups at Newark and Marietta, as these have been described and redescribed in every work upon Ohio archæology until the outlines are familiar to all intelligent persons. But it may not be amiss to call

* Bureau of Ethnology. Report for 1882-'83, page 22.

attention to some facts connected with them that are not generally known.

As to Licking County, Dr. Thomas, one of the authorities upon mounds, says:

"With the exception of Ross, this is the most interesting county archæologically in the State. From the great works at Newark divergent mound systems reach to the Ohio at Portsmouth and Marietta. Numerous earth mounds and enclosures occur, besides several stone enclosures and probably more stone mounds (some of great size) than any other equal area in the Mississippi valley."*

†"The high ground near Newark appears to have been the place, and the only one which I saw, where the ancient occupants of these works buried their dead, and even these tumuli appear to me to be small. Unless others are found in the vicinity, I should conclude that the original owners, though very numerous, did not reside here during any great length of time.

"If I might be allowed to conjecture the use to which these works were originally put, I would say that the larger works were really military ones of defense; that their authors lived within the walls; that the parallel walls were intended for the double purpose of protecting persons in time of danger from being assaulted while passing from one work to another; and they might also serve as fences, with a very few gates, to fence in and enclose their fields, etc.

"The hearths, burnt charcoal, cinders, wood, ashes, etc., which were uniformly found in all similar places, that are now cultivated, have not been discovered here; this plain probably being an uncultivated forest. I found here several arrow-heads, such as evidently belonged to the people who raised other similar works."

Dr. S. P. Hildreth, of Marietta, on June 8th, 1819, wrote to Atwater regarding the fortifications about Marietta and the latter saw fit to insert the communication in his work. That

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* Bureau of Ethnology. Report for 1890-'91, pages 458-472.

† Archæologia Americana, published by the American Antiquarian Society, Worcester, Mass., 1820, by Caleb Atwater, page 129.

part which is of most importance, and we think, little known among persons of archæologic tendencies, we will quote. (Pages 137-8):

"The principal excavation or well, is as much as 60 feet in diameter at the surface, and when the settlement was first made it was at least 20 feet deep. It is at present 12 or 14 feet, but has been filled up a great deal from the washing of the sides by frequent rains. It was originally of the kind formed in the most early days, when the water was brought up by hand in pitchers or other vessels, by steps formed in the sides of the well.

"The pond or reservoir, near the northwest corner of the large fort, was about 25 feet in diameter, and the sides raised above the level of the adjoining surface by an embankment of earth 3 or 4 feet high. This was nearly full of water at the first settlement of the town, and remained so until last winter, at all seasons of the year. When the ground was cleared near the well, a great many logs that laid nigh were rolled into it to save the trouble of piling and burning them. These, with the annual deposit of leaves, etc., for ages had filled the well nearly full; but still the water rose to the surface and had the appearance of a stagnant pool. In early times poles and rails have been pushed down into the water and deposits of rotten vegetable matter to the depth of 30 feet. Last winter the person who owns the well undertook to drain it by cutting a ditch from the well into the small covered way and he has dug to the depth of about 12 feet and let the water off to that distance. He finds the sides of the reservoir are not perpendicular, but projecting gradually towards the center of the well in the form of an inverted cone. The bottom and sides, so far as he has examined, are lined with a stratum of very fine ash coloured clay, about 8 or 10 inches in thickness, below which is the common soil of the place, and above it this vast body of decayed vegetation.*

"On the outside of the parapet, near the oblong square, I picked up a considerable number of fragments of ancient potters' ware. This ware is ornamented with lines, some of them quite

* See volume XXVI, page 73, of Squier & Davis' Ancient Monuments of the Mississippi Valley.

curious and ingenious, on the outside. * * * The ware which I have seen found near the rivers, is composed of shells and clay and not near so hard as this found on the plain. It is a little curious, that of the 20 or 30 pieces which I picked up nearly all of them were found on the outside of the parapet as if they had been thrown over the wall purposely. This is, in my mind, strong presumptive evidence that the parapet was crowned with a palisade. The chance of finding them on the inside of the parapet was equally as good, as the earth had been recently plowed and planted with corn. Several pieces of copper have been found in and near to the ancient works at various times. One piece, from the description I had of it, was in the form of a cup with low sides.

"The bottom was very thick and strong. The small mounds in the neighborhood have been but slightly, if at all, examined.

"There was lately found at Waterford, not far from the bank of the Muskingum, a magazine of spear and arrow-heads sufficient to fill a peck measure. They lay in one body, occupying a space of about 8 inches in width and 18 in length and at one end about a foot from the surface of the earth, and at the other 18 inches, as though they had been buried in a box and one end had sunk deeper in the earth than the other. * * * * They appear never to have been used and are of various lengths from 2 to 6 inches; they have no shanks, but are in the shape of a triangle with two long sides."

Men of Atwater's ability, living at a time when agricultural pursuits had not spoiled the form of any of the earthworks, made a great mistake in giving up the bulk of their publications to discussions upon the "purpose, use, etc." of the enclosures. Dr. Hildreth's letter, which we have quoted, is valuable because it gives us just such information as we seek. Atwater's testimony, when he confines himself to pure description, is also of great importance. If these men had made careful measurements of such of the works as they could conveniently visit, they would have done archæologic science an immeasurable service.

That little reference to the finding of ashes and charcoal on the surface within enclosures during plowing time, is of more

real value than twenty pages of his speculations, although Atwater was undoubtedly not aware of it at the time.

*"No better idea can be obtained of the Muskingum valley than from the substance of a letter written by Mr. Williard H. Davis on December 14, 1891.

"He has observed during an acquaintance of twenty years with the Muskingum River, among hills, terraces, and alluvial lands from Marietta to Meigs Creek, in Morgan County, mounds irregularly distributed. But one mound was ever found upon the alluvial bottom.

"One mile and a half from Marietta, upon the farm of Mr. Strecker, are two mounds 3 or 4 feet in height. In the same neighborhood are several mounds upon the farm of Josiah Devol, one-fourth of a mile from the river. Mounds are also numerous in the following localities: just back of Devol's dam near Marietta, on John Drake's farm in the same neighborhood, upon the farm of Joseph Stow five miles up the river, on Bear Creek upon the farms of Messrs. Wilkings, Snyder, etc.

"It is very interesting to note that Mr. Davis has occasionally found whole pottery in the mounds. Pottery is very rare in the tumuli of any section of Ohio, although it has been frequently found at Madisonville and occasionally in the Miami valley. In exploring the mound upon Mr. John Drake's farm, a whole pot, decorated, filled with charcoal and ashes, was taken from a point three feet below the surface. There seems to have been nothing else in the structure, except a badly decayed skeleton.

"Just below the mouth of Bear Creek is a small village site, while on the high bluffs above there is a fair-sized mound which commands a good view of the surrounding country. As in the case of the major portion of the mounds throughout the Muskingum valley, it seems to have been designed more as a place of observation than for the interment of the dead.

"Above Bear Creek there is a fine alluvial bottom, and near the hills a splendid gravel terrace, one-third of a mile in width, extends for some distance. An elliptical stone mound, 35x25 feet, and 4 feet in altitude, a village site and other evidences

* Primitive Man in Ohio, page 21.

of occupation are upon this terrace. In May 1881 the mound was thoroughly explored; two copper bracelets, slightly oxidized, and human bones, were found scattered among the stones.

"The hills, several miles above Bear Creek, recede from the river to the northwest and leave a broad bottom, part of which is occupied by a terrace similar to the one described above. A large village site and several mounds are located upon the terrace on the Davis estate, Wilkings, Snyder and other farms. One of the mounds, 40 feet in diameter by 4 feet in height, was explored with the following results:

"Near the surface was a decayed skeleton and a polished hematite spherical object. In the center, above the base line, was an ash-pit containing an arrow-head, while at the bottom lay a decayed body. A cannel coal gorget, 4x6 inches with two perforations, was found upon the breast. There were no stones in the mound. One hundred yards west of the structure is a ravine, on the west side of which once existed a small mound. A few rods further west a roadway is traceable. It has been cut into the bank of the terrace, and leads from the top of the hill above to the river bottoms below. As in the case of some of the Miami valley terraces it is under discussion regarding its origin, whether natural or artificial. Upon the river bank at this point, many mussel shells, flint chips and pieces of pottery seem to indicate the presence of a village.

"There are three mounds surrounded by a semi-circular embankment near the same spot. The circle has an inside ditch. A fourth mound is distant fifty yards west, on the edge of the bluff at the bottom of which runs Wilson's Creek, a small tributary of the Muskingum. Mr. Davis thoroughly explored these mounds and also made excavations in the semi-circle, finding flint implements, an unfinished sandstone tablet and decayed skeletons. The best entire earthern pot, which it was his privilege to take from the tumuli in his neighborhood, was found at the head of one of the skeletons in the largest mound. The vessel had a contour like a cocoa-nut, and exhibited on its exterior the impression of a twisted bark basket.

"A most singular slate effigy was found upon the surface near the semi-circle. It is of banded slate 3½ inches long, the

upper portion being semi-circular, the lower portion having been drawn and narrowed until it gracefully ends in a fair representation of a child's feet and toes. So far as we are aware no effigy of this kind has ever been found in the State of Ohio.

"Several mounds lie on the Davis estate on the bluffs overlooking the Muskingum. From their summits views can be had for a distance of eight or ten miles up the beautiful river. In reference to these mounds much cannot be said, except that a few relics, cremated skeletons, and mussel shells were in the tumuli, and the usual village site debris upon the hearths. One or two stone graves are also to be found upon this property.

"In December 1888, a mound upon the farm of Mrs. Henry Hall, 7x40 feet, was examined. * * * * The ash-pits were small and one or two layers of sandstone slabs were observed. Upon the same farm a skeleton was found in a small mound surrounded by limestone slabs. * * * * The stone coverings were fitted so closely as to exclude earth, and when lifted off gave a perfect view of the body. About the wrists were beads of copper, bird bones, elk and bear teeth, with short pieces of buckskin strings preserved by the copper; a small grooved axe (in all our explorations we never found a grooved ax. The find is certainly very remarkable. Ungrooved axes, however, are common in the tumuli), and a bone awl accompanied the remains.

"Another small mound, just east of the one described, was excavated by Mr. Davis. In it he found three skeletons with heads to the east. With them were elk teeth, beads and a worked hematite object similar to a cylinder. A mound west of the group enclosed by the semi-circle, as described above, was found to contain four skeletons. The largest of the skeletons was placed in one of the stone graves. The head of this skeleton was separated from the rest of the body by a distance of a foot. A large stone was placed in an upright position back of the head, and another large one stood near the lower jaw. Thus the head was enclosed in a small stone box-shaped cavity entirely separate from the one that enclosed the body. Seven dark gray sandstone objects, similar to an ax in outline, and a cup, constructed from the shell of a land tortoise, were with the head.

In the right parietal was an aperture where an arrow had penetrated the brain. The point was found within the skull. One of the fragments of another cranium had a small arrow-head imbedded in it.

"Just above Cat's Creek, which empties into the Muskingum a mile above Lowell, is a gravelly terrace on which are 11 mounds and a small enclosure. This is the only enclosure in the Muskingum valley,* save the large one at Marietta. The highest mound between Marietta and Zanesville lies upon the farm of John Newton. It is 12 feet in altitude and has a base of 90 or 100 feet. North of the enclosure is a small mound which Mr. Davis explored, finding upon the base line an altar 4 feet square, dipping toward the center, and 6 inches high. In the altar were the following objects, together with charcoal and ashes: A sandstone tablet, 3x4 inches, and half an inch thick; a diamond-shaped tablet of slate, 2½x3 inches; a flint spear-head 5 inches long; a striped slate ornament 4 inches in length, with two perfect perforations; another beautifully polished ornament, oval-shaped, with two perforations; a thick tablet of sandstone 4 inches in length; a somewhat smaller tablet; fragments of copper, and a tube of clay and sand.

"Below the altar just described were found logs 10 to 12 inches in diameter resting upon a second and larger altar, but in it there were no remains.

"It is very singular that hematite should have been used so largely by the aborigines of the Muskingum valley for fashioning implements, when tribes of the Miami or Scioto regions used it only to a limited extent. Mr. Davis reports finding a highly-polished hematite celt and cone and fragments of hematite in a tumulus upon the same terrace as the altar mound. Upon a terrace near Big Run a rich stone mound was examined, in which were found fragmentary bones and four large beautiful slate ornaments all perforated for suspension. These were 6 or 7 inches in length and beautifully worked.

"Copper in the Muskingum valley is exceedingly rare. In a mound near Rainbow Station, upon Mr. Joseph Dayr's farm,

* He means in the Lower Muskingum.

was a decayed skeleton. At the hips lay a copper spear-head 6 inches in length. At the head lay a copper disk three inches in diameter with a central perforation. In a mound upon Mr. S. S. Stow's land Mr. Davis found the bones of a young woman in a kneeling position with a child's skeleton in her arms.

"There are no surface indications of a large village site near the same place. (This is not far from Lowell).

"In Mr. Davis' letter some twenty more mounds are mentioned than are here recorded. Nearly all of them he had explored, and found objects similar to those described in the preceding pages. The village sites he found to be small when compared with those in the Scioto and Miami valleys."

Considerable white and light yellow flint outcrops in the northern part of Clear Creek Township, Fairfield County, Ohio. We are not aware that any attention has been paid to the region other than brief statements to the effect that limited quarrying was carried on at that point. We went over the ground very carefully, and found a number of pits, that the ledge outcropped on a place of thirty or forty acres, and that a number of workshops and sites are in the neighborhood. There is little evidence that the flint was transported to any distance, and the place was probably resorted to by local tribes.

### Section 3. Explorations in the Valley of Brush Creek, Adams County. Done for the Ohio State University, Department of Archæology.

This region is well known because in its northern part is located the famous Serpent mound. The Serpent itself has been the subject of much literature and considerable has been published regarding Fort Hill, in the edge of Highland County, but a few miles up Brush Creek from the Serpent; but no one seems to have examined the remains lying between the Serpent and the Ohio River. There are several "branches" of Brush Creek, which also have remains along their shores, so that altogether there is about sixty miles of occupied territory along Brush Creek Valley. No survey seems to have explored the region and therefore we located at Youngsville, Adams County, the 19th of June,

and began work upon the monuments. Dr. Robe, a very intelligent gentleman and collector residing in the village, accompanied us to several places where mounds and village sites occurred and secured permission for us to excavate.

Work was begun the morning of the 22d (Monday), four miles north from Youngsville upon the farm of Jane McCullough. The stone grave (really a small mound) was twelve by six feet and one and one-half feet high. A skeleton was found near the center with head to the east. It was badly decayed. Several flint war points, some bones, needles and a few drills and bear tusks were found by the shoulders.

One-half mile farther east a stone mound thirteen by six feet was opened and nothing found but burnt bones. (See Figure XIII.)

FIGURE XIII. Typical stone mound, Adams County, O.

The same day a small stone mound was opened upon the farm of John Montgomery one-half mile farther east. A cremated skeleton and one much decayed were found in it. It was fourteen by eight feet and two feet high.

On the 23d an earth mound three-fourths of a mile northeast of Montgomery's was opened and a hammerstone and decayed bones found.

We worked upon Miss McCullough's farm five miles south of Youngsville on the 24th. On her farm are three stone heaps, nine by eleven, seventeen by twenty-one, seven by ten feet. Each was about one foot high. They were upon a high point of land

overlooking the west fork of Brush Creek. The bodies, as in the case of all stone graves or mounds, lay upon the surface, had been covered with bark and stones heaped on top. No relics accompanied the remains. Figure XIII is typical of all the Brush Creek Valley stone mounds.

On a spur of the same hill, lower down, say 100 feet above the valley, was an earth mound. A few flat stones were scattered over the top. This mound was two feet high and thirty-two feet in diameter. In its center we found a skeleton buried about five feet deep, or three feet below the center of the mound. We could easily trace the excavation for the grave in the hard earth below the mound base. The skeleton was surrounded by large flat stones set on edge and forming a rude sarcophagus, as indicated in figure XIIIa. No relics were with it. We took out the bones

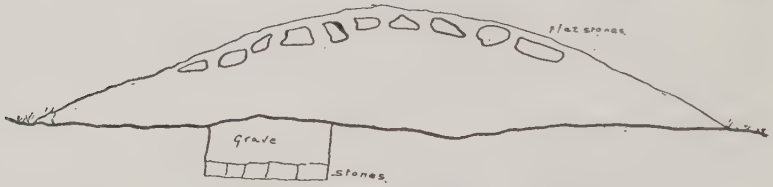


FIGURE XIIIa. Mound covering a stone grave, Adams County, O.

for they were splendidly preserved and nearly entire. Length of grave six feet eight inches, width two feet seven inches. All the stones were evenly placed and were about the same size, and the bones were in natural positions.

On Thursday, the 25th, we explored a small stone mound on the north side of Brush Creek, opposite the one just described. Nothing but a badly decayed skeleton was found. Some relics were purchased and field searching done over village sites.

June 26th we went to Newport, eight miles down the West Fork, where the two Brush Creeks unite and form Big Brush Creek. Mr. Swarington's mound is down stream two and one-half miles from Newport on the lowest terrace 200 yards from the creek. It is of earth containing no stone. Nothing was in it save one arrow-head. As in the case of other mounds, it was thoroughly explored.

Upon our return we examined a large village site along the

west border of Brush Creek just below Newport. It covers twenty-five acres and must have contained at least 200 lodges. There are numerous pottery fragments, flint chips, bones and other remains found scattered over the surface. The pottery is very peculiar. Men report that some skeletons in graves have been found. It is owned by Mr. Plummer. We dug several holes without results. Our men in two hours' field hunting secured some 300 specimens. We purchased numerous relics from boys.

In the afternoon we opened two stone graves upon Mr. Plummer's land. They are 400 yards west of Newport, upon high ground just opposite each other on the West Fork of Brush Creek. Three skeletons occupied each grave, being placed about one foot below the surface. A number of the humeri were preserved and part of one cranium.

We sunk a shaft in the Flory mound, but as it had been previously excavated in the center, nothing was found. Situated upon one of the highest hills in that region (500 feet) it commands a view of the surrounding country for ten miles.

June 27th.—On Mr. Patton's farm, two and one-half miles southeast of Youngsville, is a small mound upon the second terrace. It is four feet high and forty feet base. In it we found a decayed skeleton and two rare spear heads. A layer of charcoal two inches in thickness was observed.

June 29th, Monday.—On the Wm. McCormick farm, four miles north of Youngsville, are traces of several graves, but they have been disturbed. In one of them we found decayed bones but nothing else. The stones have largely been removed by farmers for foundations, etc.

Near West Fork of Brush, on the same farm, is a single grave which we opened and found a badly preserved skeleton and one flint war point.

The same day we opened the mound on Mr. J. William's farm across Brush Creek from McCormick's, and distant about one mile, on a hill of some 175 feet elevation. There was much burnt earth and charcoal, a cremated skeleton and one spear-head. The mound was four feet high and forty feet in diameter.

June 30th.—We proceeded to North Liberty and opened a

mound on the farm of Mr. Finley. It is fifty feet broad and four feet high, on the second terrace and composed of earth. After the examination our hopes were somewhat raised, for it was the most interesting structure which we had examined. Near the bottom the soil was very dark and soft. Above this it was lighter in color, but at no point was it compact and hard as in the cases of many of the mounds. On the base near the west side was a cremated skeleton, a badly decayed one lay in the center, a heavy layer of burnt earth ran along the base under both the remains.

Above the skeletons were much charcoal and ashes and also two fine spear heads of the "shouldered" pattern. They lay above the decayed skeleton, while the boat-shaped ceremonial lay among the fragments of the cremation. It was of the form known as "coffin" or "canoe" type. Ceremonials of this character are occasionally found in mounds and but seldom upon the surface. This may have some bearing upon their use and should be carefully noted by all archæologists. Above the decayed skeletons a little over a foot were the spears, yet we conclude they were originally intended to accompany the remains.

Rev. MacLean in his report describes interesting earthworks found in Winchester Township of Adams County.* The works are a half mile north of the village of Winchester. We looked at the mound (which stands over eight feet high), but did not attempt exploration, as it had been previously examined. The works consist of three small circles and the mound. MacLean says of them:

"When first discovered these works were covered with forest trees. The walls averaged five feet in height. The material is composed of clay of the same kind as that in the immediate vicinity. * * * The spot is level and appears to have been well chosen." He gives the measurements as follows:

"First circle 510 feet in circumference, second circle (obliterated), third circle 150 feet in diameter."

On the West Fork of Brush Creek, in Concord Township, in Highland County, are several mounds, circles and a peculiar stone enclosure. The walls are parallel, distant thirty-two feet,

* J. P. MacLean in Smithsonian Report for 1885, pages 893-899.

and 165 feet in length. One end is rounded and the other seems to have been filled with earth straight across from one side to the other. The walls are not more than a foot high to-day and at the time of MacLean's visit were two feet high. Many of the stones show the action of fire. Fort Hill and Serpent mound are within six or eight miles. We agree with Mr. MacLean in his statement:

"It is fair to assume that the works near Winchester, those of Eagle Township and the ones just described belong to the same people. There is no evidence that they were constructed in different ages by different people."

July 1st.—Mr. Loveberry secured 18 spears from Mr. James McNutt, who in clearing a new piece of ground found them in a cache or pocket. This happened but a few days prior to our arrival, and but for Mr. Loveberry's efforts the specimens would have become scattered and lost and thus an important cache distributed among those who were unable to comprehend its real significance. Mr. McNutt found them one mile north of Winchester on a branch of Brush Creek. With the exception of two, they are all over six inches in length, of fine workmanship and constitute one of the finest deposits ever discovered.

We went to Tomlinson's ridge, two miles below Newport on the East Fork of Brush Creek, and examined a site on which graves were said to exist. Careful cultivation had removed every trace and we could only find evidences of a thinly settled and small village site. We drove along the East Fork of Brush Creek for several miles, mapping graves and sites.

July 2d.—With a view to ascertaining if there were mounds in the Sun Fish Hills along the Scioto Brush Creek, we drove eighteen miles southeast with six men, and explored a territory so rough and rugged that we were forcibly reminded of our expedition in Utah. We climbed a number of hills and ridges 400 to 600 feet high and thoroughly explored a region four by seven miles. Having started at four o'clock in the morning, we worked until dark and reached home about ten o'clock. There were but very few stone graves in the region and therefore it is to be concluded that the hills offered no inducements for villages and were used solely as hunting grounds.

July 3.—Graves at Duncansville were explored. Nothing was found except decayed bones. These graves seem to have been erected by roving bands of hunters, as they evince no culture beyond middle savagery.

Dr. Gaston, of Tranquillity, presented his collection to the university. We were able to purchase some interesting specimens. Mr. Morrison, of Newport, also donated his collection.

July 4th.—Having thoroughly worked upper Brush Creek and its tributaries, we decided to proceed to the Ohio River. Our route lay through West Union, and all the way we inquired about mounds, village sites and collections. Half way down the stream we engaged a skiff and set out for the Ohio.

## Section 4. Mounds Along the Ohio River.

On July 6th, finding that we could make better time and examine the banks on each side to advantage, we engaged a river man and his launch for our party. We worked up and down from the mouth of Brush Creek on both sides, digging two stone graves upon Mr. Monteath's farm. These graves crowned the tops of high hills. There was nothing in them but chips of flint and decayed bones.

July 7th.—We opened two stone graves and one mound on high hills back from the Ohio river below Brush Creek. All were of stone, the mound four feet high and the graves two feet high. These were on the farm of Mr. Owens near Concord, Kentucky. No relics, save two arrow-heads, could be obtained, although decayed bones in large quantities occured in all three. Undoubtedly these hill top tumili are of the same character from Louisville to Pittsburg. They range back from the river on either side following tributary streams, and might roughly be estimated to cover a belt 100 miles north and south and 500 miles east and west. It is certain that scientists can learn nothing more from them and further explorations of these small stone structures are unnecessary.

July 8th.—We located at Rome. It is about 6 miles above the mouth of Brush Creek in Adams County. Above and below it village sites refuse is scattered over the fields in great pro-

fusion. Just below Rome, on the high bank of the river, 200 yards from the water, is a mound 2 feet high and 50 feet in diameter. In this small structure were found no less than 22 skeletons, some of which appeared to have been buried in part only. These are omitted from our illustration. Figure XIV, made

FIGURE XIV. Stout Mound, Rome, Ohio.

from a drawing by Mr. C. E. Cowen, will show them in correct positions. It is in the center of a village site, and while the men dug Mr. Cowen hunted the surrounding lands with profitable results. His collection will be mounted separately in the museum just to show what one man can do in field hunting on a favorable spot in two hours.

There were many fragments of pottery in the mounds, but we think the presence of these is due to this fact, that the earth immediately around the village was scooped up to form the mound, consequently much of the village site debris was gathered into the baskets and dumped upon the structure.

Perforated mussel shells were with many of the bodies, a bone awl and a slate celt polished at both ends. There were three arrow heads, three war points and three worked pieces of shell. Some 20 perforated humeri were secured, but no whole skulls, as every one was broken, as were most of the long bones. The vertebral columns of some of the skeletons were only half present, which led us to believe that some of the bodies had been gathered when the flesh was denuded from the bones. Possibly from a battle field, possibly from a charnel house — who can tell?

The most important find was the bones of an exceedingly large individual. These bones were very badly decayed, but the tibia was removed in fair shape. The width of this bone was nearly two inches in diameter, being very massive and somewhat bent. The femura were very large and more curved than is usual.

Many pipes and ornaments have been found around the mound. It is also historic, for several pioneers were captured by Indians at this point and one Captain Donaldson had a very hard fight, being in the end captured.

Thursday, July 9th. — Work having been completed upon the Stouts (Rome) mound, we packed and shipped the specimens and then journeyed to Vanceburg, Kentucky, the nearest stopping place. We worked the fields on the Ohio side. No mounds of note or promise, and the two or three in the neighborhood could not be explored.

Friday, July 10th. — The field notes briefly state: "Bought relics, hunted fields. Rain prevented digging, so we journeyed to Portsmouth."

July 11th and 13th. — Three mounds upon the farm of Mr. J. H. Johnson, two miles below Portsmouth on the Kentucky side were opened. They were of sand 5 by 40, 3 by 40 and 4 by 35 feet in extent. Small holes had been sunk in each by previous diggers. Nothing of note was discovered. These mounds are a part of the famous Greenup County works. The extensive fortification is but 350 yards up the Ohio River from them. The mounds must have been house sites instead of burial places.

The afternoon of the 13th we went up the Scioto 5 miles to Mr. Feurt's farm, where there are three mounds and an extensive

village site. We opened the smaller mound and dug the large ones the following day. They are located upon the second terrace. The small one is 2 by 25 feet, the next 4 by 50 feet, the largest 6 by 60 feet in size.* See Figure XV. The village site must cover at least 5 acres. Many interesting specimens were

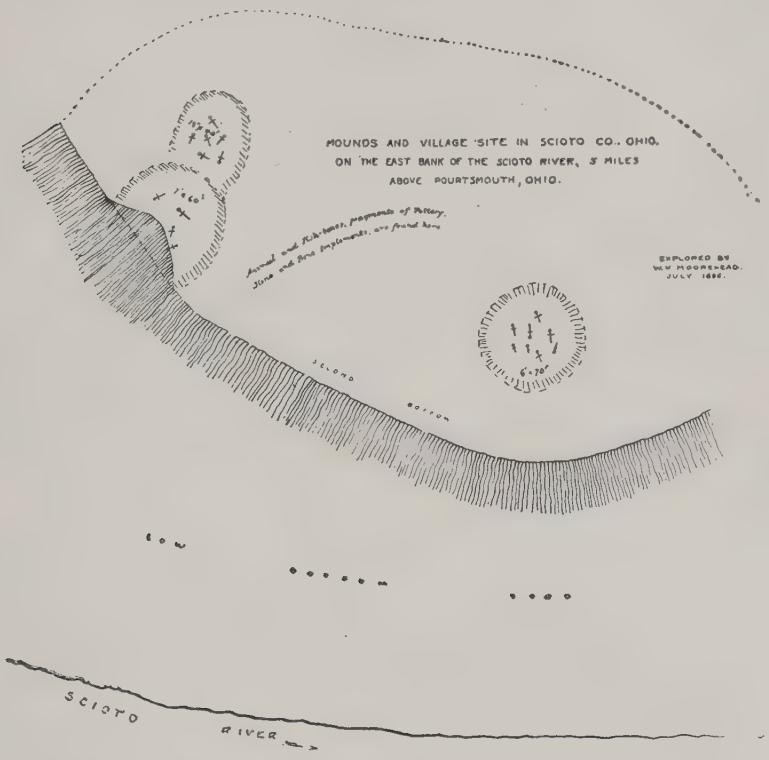


FIGURE XV. Mounds and village site, Feurt farm, five miles north of Portsmouth on the Scioto.

collected from it while the men dug, by Cowen, Loveberry and myself.

The mounds are all sand and gravel. This is rather unusual. The burials numbered 5 in the smallest, 9 in the next, and 19 in the large one. No relics save mussel shells accompanied the

* Mr. Cowen prepared an elaborate drawing from which Figure XV was made. Only the complete skeletons are shown on the diagram.

remains. The pottery of the village site is very like that found along the Ohio. We find a difference in the character of the pottery after reaching Higbys in Ross County as one ascends the river. It may be that all the people from Higbys or Waverly on down used different clay, different forms, or were another tribe. Future study will determine that.

Mr. Feurt's farm is 5 miles up the Scioto on the east bank and seems to have been a remarkable village site. Field searching resulted in the finding of many pottery fragments and other material common to village sites. The pottery is peculiar to the lower Scioto and Ohio River valleys. There is no mica or copper found.

In the mounds there were more burials above the base line than upon it, yet the place does not seem modern, for no European relics were found. Nearly every skeleton was doubled up, lay in every direction and several were on top of each other. Some were found within 10 inches of the surface, but this is due in part to long cultivation lowering the height of the mounds.

Some war points were found between the ribs of a skeleton and several awls and needles lay near the heads of three skeletons. One skeleton was that of an old man whose teeth were worn away.

Nine feet below the surface was found charcoal in the large mound. This was followed to near the edges and yielded nothing as usually is the case with charcoal layers. The excavation in the large mound was 35 by 20 feet. There was a layer of ashes above the charcoal. Sand above this to top of mound. None of the others were stratified.

July 15th. — We went to William Biggs's and inspected an interesting fortification 4 1-3 miles above Portsmouth. The fort is thrown up 4 or 5 feet high. Trench is 4 feet deep. In the center of the enclosure is a small mound 4 by 45 feet, which we excavated, finding only burnt earth and charcoal. The fort is 212 feet in diameter.

July 16th. — We inspected the country about Wakefield some 15 miles up the Scioto.

## Section 5. Ross County Tumuli.

July 17th.—We moved to Higbys, Ross County, and opened the small mound upon the farm of Major Foster. It was 4 by 40 feet, composed of clay, and on the second terrace were found one decayed skeleton and a flint disc.

July 18th.—Opened a mound on Messrs. Higby's estate on the first terrace. Just opposite this mound along the river banks is a large village site from which much material has been gathered of late years. Skeletons and whole pottery have been washed out. Many bullets have been found down the river from the site. Chillicothe collectors have pipes and other fine relics from the Higby farm.

The mound was 6 feet high and 60 feet in diameter. Nothing was found in it though we dug thoroughly.

The same day we journeyed to Mr. R. L. Condon's, one mile south of Omega Station, Pike County, and opened a mound 5 by 49 by 50 feet. It was a beautiful structure. We found a cremated skeleton, a decayed skeleton, a greenstone celt (by the decayed skeleton) and charcoal.

The next day we visited Mr. J. W. Barger, who owns a large mound situated upon the second terrace. It was 7 by 50 feet. We excavated it quite completely and discovered two skeletons. The bones of one had been painted. By the remains of the painted individual were two copper beads and a copper bracelet. A rude ceremonial was found with the other one. All these lay upon the base line. As in the case of mounds farther up the Scioto, the base line was formed by burning the surface of the ground until it assumed a brick color and hardness. Neither Messrs. Condon nor Barger's mounds were stratified.

During the next day we opened a mound upon the farm of Mr. J. C. Corwin, one-half mile on toward Waverly. There was in it a cremated skeleton and an arrow-head, but nothing else.

### The Liberty Group.

The Liberty group of earthworks, situated on the banks of the Scioto, on the second terrace eight miles south of Chillicothe,

constitutes one of the largest and most important remains of the Mound Builders.*

It will be seen that the large mound (C) on Squier and Davis' plan occupies the most central position with regard to the location of the various squares and circles constituting the group. It was also the central point of the village site, and, as was customary among the mound-building tribes, the house of the principal shaman and chief must have been upon it. Just a little over a mile above it is the famous High Banks group and below it are the mounds about Richmondale and the large village sites at Higby's. This region is known among archæologists as the "copper belt." It extends from central Pickaway County to the southern edge of Ross along the Scioto River and up the two Paint Creeks.

"This work is a very fair type of a singular series occuring in the Scioto Valley, — all of which have the same figures in combination, although occupying different positions with respect to each other, viz. a square and two circles."† These figures are not only accurate squares and perfect circles, but are in most cases of corresponding dimensions, — that is to say, the sides of each of the squares are ten hundred and eighty feet in length; and the diameter of each of the large and small circles, a fraction over seventeen hundred and eight hundred feet, respectively. Such were the results of surveys made at different times, the measurements of which correspond within a few feet. Although in the progress of investigation singular coincidences were observed between these works, yet there was at the time no suspicion of the identity which subsequent comparison has shown to exist.

"The first of the series here represented is situated on the east bank of the Scioto River, and occupies the third bottom or terrace. The ground upon which it occurs is level. The walls of the entire work are unaccompanied by a ditch, and are slight, nowhere more than four feet in height. The embankment of the square is perceptibly heavier than that of the small circle, which

* Squier & Davis in Ancient Monuments of the Mississippi Valley, plate XX.

† Ancient Monuments of the Mississippi Valley, page 56.

is also heavier than that of the larger one. The square work measured ten hundred and eighty feet upon each side; and its walls are interrupted at the corners and at the middle of each side by gateways thirty feet in width. The central gateways are each covered by a small mound, of about the same height with the embankment, and placed forty feet interior to it. The manner in which the circular works are connected with the square enclosure, and the relative position of each, are accurately shown in the plan, precluding the necessity of a long and intricate description. It will be observed, that while the wall of the larger circle is interrupted by numerous narrow gateways, that the smaller one is entire throughout, — a feature for which it is, of course, impossible to assign a reason. Besides the small mounds at the gateways, there are three others within the work, two of which are inconsiderable, while the other is of the largest size, being one hundred and sixty feet long, by not far from twenty feet high. There are also a few other mounds outside of the walls, reference to which is had elsewhere. Numerous dug holes occur in the vicinity of the great mound. Most of these are interior to the work, — a very unusual circumstance. In fact, the whole work appears to have been but partially finished, or constructed in great haste. The mounds at the gateways, and those outside of the walls, were formed by carelessly scooping up the earth at their base, leaving irregular pits near them. In most of the regular works, the material seems to have been taken up evenly and with care, or brought from a distance.

"No one would be apt to ascribe a defensive origin to this work, yet it is difficult to conceive for what other purpose a structure of such dimensions, embracing nearly one hundred acres, could have been designed. The great mound is anomalous in its character, and throws no light on the question. That there is some hidden significance, in the first place in the regularity, and secondly in the arrangement of the various parts, can hardly be doubted. Nor can the coincidences observable between this and other works of the same series be wholly accidental."

Having seen the distribution of burial mounds with reference to the enclosure, we shall proceed at once to describe the oblong Harness mound. This structure was partly explored

by Professor F. W. Putnam. He abandoned the exploration after having dug not quite half way through it, some ten years ago. We present his report in full at the end of this section.

Our work upon the mound was begun July 22d and ended the evening of August 9th. We first cleaned out the end of the trench abandoned by Professor Putnam, and measuring the mound thence to its end, ascertained the distance to be about eighty feet, at least sixty feet of which should be excavated. We started in with a trench some thirty feet in width, being a little wider than the excavation he had conducted. We had proceeded twelve or fifteen feet when we ascertained that burials followed each other pretty much the same distance apart on either side of the mound, and that there were few burials in the main or central portion. Most of the burials in these rows occupied little domes or pits, varying from three to five feet in diameter and three to five feet in height. The first five followed each other with regularity.

We decided to explore the mound by means of two tunnels, which should follow the lines of burial, and, at short distances, to run side branches from the main tunnels toward the center, and, if necessary, toward the edges of the mound. As the work proceeded the scheme was found to be practical and the whole base of the mound was thoroughly covered at much less expense than would have resulted had we attempted to remove the entire structure. Some idea of the extent of the tunnels can be gained from figure XVI. The total length of tunnels and branches was 253 feet, the main tunnels 98 feet, the branches 155 feet. It occupied the time of from four to five men continuously for sixteen days. They were five feet wide at the base and about four and one-half feet high.

Nearly all the mounds of the Scioto Valley are constructed upon one plan. The ground is first cleared and then beaten down and burned until it presents a hard and even floor. Holes are dug in this floor at various intervals and posts inserted and some sort of structure is erected. Many of these holes were found in the Harness mound. In one or two of them, soft brown and gray matter, such as results from the decay of wood, was found. Just what this structure was cannot be determined. It seems to

have been the same in the Oblong mound and Effigy mounds of the Hopewell group, the Porter mound at Frankfort and in the Harness mound of the Liberty group. The post holes do not show any regularity as to position, some being six or seven feet apart, and others as much as twenty feet. In the Harness mound

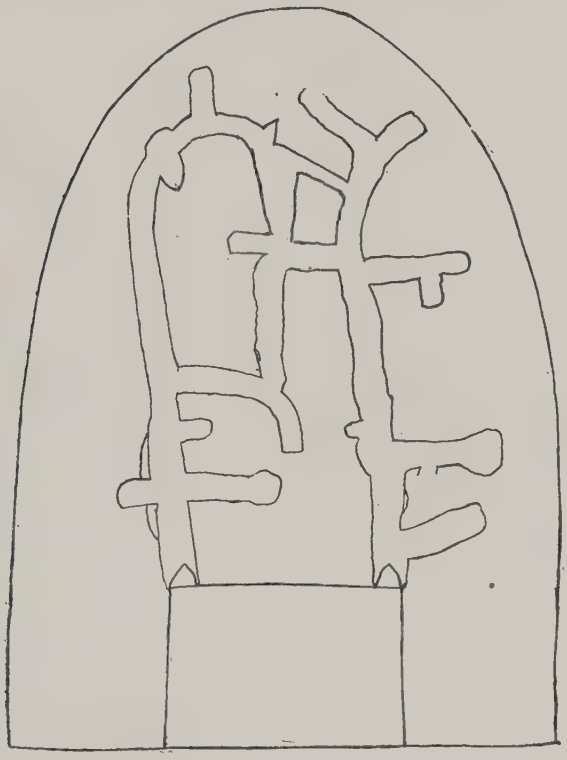

FIGURE XVI. The Harness Mound. Plan of tunnels.

several of these holes were found alongside of cremated skeletons. Every one of them was carefully cleaned out but nothing found. In one or two at the Hopewell group we found ashes and mussel shells. In one (opened 1889) on Mr. Porter's farm at Frankfort, we found ashes and burnt bones, and in 1888, upon the same farm in another mound, we found some pearl beads in one of these post holes. Taken in connection with the burnt

floor and the position of skeletons, the posts must have supported a roof some distance above the burnt floor, under which ceremonies conducted at the time of the cremation or interment must have taken place. Especially is this true of the large Hopewell mound.* It will be remembered that two altars were found in this mound, one of which contained a large quantity of burned obsidian implements, melted copper, calcined bone, ornaments, tusks, effigy pipes, needles, sacrificial implements, pearl beads and other valuables. These had all been subjected to intense heat. It is just probable that the construction of these, the placing of the copper deposits, may have occupied several days' time and were accomplished with much ceremony. However, we offer this simply as a suggestion based upon field testimony. It is possible that there may be better reasons assigned for the presence of the post holes and the evidence of decayed wood in them.

In the end of the mound opened by Professor Putnam a number of entire skeletons were found, accompanied by various objects. In the end which we explored were a total of twenty-seven interments, but two of which were uncremated skeletons, a child and an adult. All the others were more or less burnt.

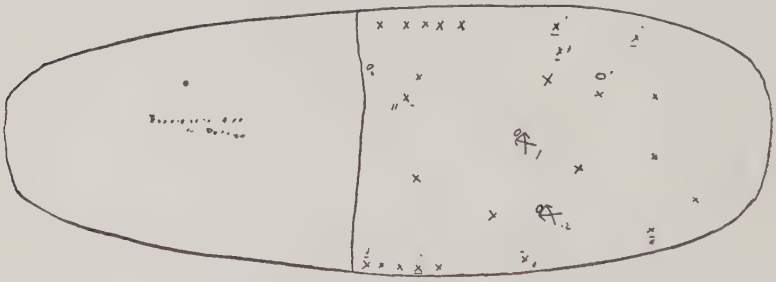

FIGURE XVII. Ground plan of the Harness Mound showing distribution of skeletons, etc.

In figure XVII all skeletons with which relics were found are numbered, and the brief description accompanying the illustra-

* Called "The Effigy" because of its resemblance to the human trunk and on account of boulder mosaics in the form of panthers (or other animals) found just below the surface in the east end.

tion will acquaint readers with the find. Skeletons Nos. 4 and 5 had some of the copper objects with them. No. 10 had the best copper plate. Eight of the bodies had objects buried with them. Every one of these skeletons had been cremated, and even some of the beads and copper showed marks of fire. The total interments in the mound numbered 27.

Nearly all the skeletons were on little raised platforms of burnt earth, varying in height from four to ten inches. The platforms were usually about two by three feet. Such relics as accompanied the remains were placed in no special order and many of them were partly burnt up. The looseness of the earth above the skeletons, or the little domes to which we have referred, is probably due to small structures of poles having been built about the remains. The supports remained in position sufficiently long for the earth to become somewhat packed, and after their decay just enough earth fell upon the remains to cover them loosely. Frequently there was a space of about a foot between the top of the dome and the loose earth below. The good copper plate found with No. 10 is nine inches long and five inches wide. It has two small perforations. With No. 5 was a burnt copper plate, three-fourths of which we took out entire, beads and bear tusks, etc.

The skeleton uncremated (and placed by itself) was found as indicated by No. 12 in Figure XVII. These individual interments, at a distance or isolated from the other burials, are often observed in the large mounds of the Scioto.

In the heavy layer of charcoal and carbonized wood accompanying skeletons Nos. 7 and 3, were fragments of cloth, which we preserved in order that the texture and manner of weaving might be carefully studied.

In this connection it would be advisable to quote from Squier and Davis' "Ancient Monuments of the Mississippi Valley," page 178, as to what discoveries they made during their partial examination of the same structure:

"Besides the mounds already described, the purposes of which seem pretty clearly indicated, there are many which will admit of no classification. Some of them possess features in common with all classes, and seem to have been appropriated to

a double purpose; while others, in our present state of knowledge concerning them, are entirely inexplicable. As these mounds differ individually from each other, it is of course impossible to present anything like a general view of their character. We can, therefore, only describe a few of the more remarkable, dismissing the remainder with the single observation that their features do not indicate any specific design, and are not sufficiently distinct or uniform to justify or sustain a classification.

"One of the most singular of these mounds, and one which best illustrates the remark that certain mounds were probably made to subserve a double purpose, is situated within a large enclosure on the east bank of the Scioto River. It is an irregular oval in form, and is 160 feet long, ninety broad at its larger end, and twenty feet in height. Excavations were made at the points indicated in the section. The one towards the right, or smaller end of the mound, disclosed an enclosure of timber, eight feet square, and similar, in all respects, to those found in the sepulchral mounds, except that, in this instance, posts eight inches in diameter had been planted at the outer corners, as if to sustain the structure. These posts had been inserted eighteen inches in the original level or floor of the mound. The holes left by their decay were found filled with decomposed material; when this was removed, they exhibited perfect casts of the timbers. The casts also of the horizontal timbers were well retained in the compact earth, and one of the workmen, without much difficulty, was enabled to creep more than half the way around the enclosure which they had formed. Within this chamber the earth was as firm as in any portion of the mound. Upon removing a portion, a skeleton partly burned was found, and with it a thin copper plate seven inches long and four broad, perforated with two small holes; also a large pipe of bold outline, carved from a dark compact porphyry. The bones seem to have been enveloped in a species of matting, which was too much decayed to be distinctly made out. The floor of the mound, it should be mentioned, so far as explored, was composed of clay, was perfectly level, and had been burned to considerable hardness.

"The second excavation was made in the larger end of the mound, somewhat to one side of the center, at a spot marked by

a depression in the surface. At the depth of twenty feet was found an altar of clay of exceeding symmetry. This was sunk, as shown in the section, in the general level floor of the mound, and had been surrounded by an enclosure in all respects similar to the one above described, except that the timbers had been less in size. A fine carbonaceous deposit, resembling burned leaves, was found within the altar. Amongst the decayed materials of the surrounding enclosure were found several *skewers,* if we may so term them, in lack of a better name, made of the bones (ulna) of the deer. They were finely tapered to a point, and had evidently been originally highly polished. Some were not less than nine or ten inches long. Though apparently sound, they were found to be exceedingly brittle, retaining little if any of their animal matter. Drifts were carried in the course shown in the section, and the evidences of another enclosure discovered. The excavation was suspended at this point, in consequence of heavy and continued rains. The holes soon became partly filled by the caving in of the loose earth near the surface; which discouraging circumstance, joined to the extreme difficulty of digging, prevented a resumption of the investigation. It is very certain that another, perhaps several other chambers are concealed by this mound.

"The surface of this mound was covered with the layer of pebbles and coarse gravel already mentioned as characterizing the mounds of the first class; but the sand strata were absent. Around the base had been laid, with some degree of regularity, a large quantity of flat stones, constituting a sort of wall for the better support of the earth. These stones must have been brought from the hills, which are here nearly half a mile distant. Why the altar, as well as the skeleton, had been enclosed, and why the floor of the mound had been so carefully leveled, cast over with clay and then hardened by fire, are questions which will probably remain unanswered and unexplained unless future investigations serve further to elucidate the mystery of the mounds. At any rate this singular mound can prove no greater puzzle to the readers than it has to the authors of these inquiries."

## Extracts from 18th and 19th Annual Reports of the Peabody Museum, Vol. III, Nos. 5 and 6.

"Squier and Davis represent five small mounds inside the great square of twenty-seven acres. These have been leveled by cultivation, but we could trace the outlines of three at least, one of which we thoroughly examined, and found that it had been a simple mound of earth thrown up inside of one of the 'gateways' of the square. Three mounds, one twice the size of the others, are represented on the plan as just outside one of the 'gateways' on the eastern side of the great circle of forty acres' area. All three have been much reduced in height by ploughing over them, but probably only the superficial portions have been disturbed. These three mounds we examined with care, and found that the small one to the westward contained only a small bed of ashes. The other two proved to be burial mounds of considerable interest. The human bones were much decayed. We found in these mounds various objects made of copper, stone, shell and mica, of the same character as those found in the large one of the group, consisting of copper plates, spool-shaped ear ornaments, a few small ornaments of copper, one small copper celt, a crescent-shaped ornament cut out of slate, another small stone ornament, a few large beads covered with copper, and a smaller one, covered with silver over the copper, shell beads and numerous other small articles.

"Another mound in the cornfield, north of the three above mentioned, was also dug over completely. In this we found a large bed of ashes and charcoal about at the level of the natural surface upon which the mound was made. This ash bed covered nearly the whole area occupied by the mound, and in it we found many fragments of pottery and cut pieces of mica, some of which were circular. A large piece of grass matting and a mass of burnt seeds, nuts and acorns, were found in the bed of ashes. In one place the charcoal matting was in several layers, making a thickness of an inch or more. Near the centre of the mound, extending to the south, was a long narrow pit, about 9 x 2 feet, which was a foót in depth. At the bottom of this pit were burnt

stones, and over them ashes and charcoal, fragments of pottery and a few burnt bones.

"Thus it will be seen that the several mounds connected with the extensive earthwork were erected for different purposes and vary considerably in their structure.

"Near the eastern corner of the part of the earthwork which we have called the 'great square,' and within the line of the circular embankment forming the 'great Circle,' stands the largest mound of the group, which is known as the 'Edwin Harness mound.' This mound proved to be of great interest and unlike any other mound which we have explored. It is 160 feet long, from 80 to 90 feet wide and from 13 to 18 feet high along the central portion, which rises gradually from the southern to the northern part. Up to this time we have made a thorough exploration of about one-quarter of the mound, and have ascertained that it is a burial mound of a remarkable character. In the northern portion, forty feet from the center, we discovered the first of the burial chambers, of which we found a dozen in all. These chambers were made by placing logs, from 5 to 6 inches in diameter, on the clay which forms the lowest layer of the mound, in such a way as to make enclosures 6 to 7 feet in length and from 2 to 3 in width and about a foot in height. In these the bodies were placed, evidently wrapped in garments, as indicated by the charred cloth and mats found in several of the chambers. With the bodies were buried various objects, such as copper plates, earrings, shell beads, and, in one instance, long knives chipped from flint. In two instances, the skeletons were found extended at full length within the chambers, the outlines of which could be traced by the imprint of the logs in the clay, the logs themselves having decayed, leaving only a dark dust. On the breast of one of the skeletons was a thin copper plate or ornament. The chemical action of the copper had preserved the texture of a piece of finely woven cloth lying between the plate and the bones of the chest. In other chambers, the bodies had been burned on the spot, as conclusively shown by the relative positions of the bones and the fact that, in two instances, portions of the body had fallen outside of the fire and escaped burning. It became evident, as our exploration progressed, that these chambers were covered

by little mounds of gravel and clay, and that, in those where the burning had taken place, the coverings of earth were placed in position before the bodies were consumed, shown by the small amount of ashes and the reduction of the logs to charcoal in their position on the clay floor of the chamber, which was burned to a thickness varying with the amount of heat. It is probable that the burials and cremations did not all occur at one time, and that, after all these mounds had been made, earth was brought from various surrounding places and heaped over all. Then the mound was finished with a covering of gravel and a low border of loose stones was placed around its base.

"It is of interest to note that Squier and Davis, in 1840, dug two pits in this mound. At the bottom of their pit A, which was just south of the center of the mound, they opened one of the burial chambers, and they state that the skeleton in it was partly burned, that it was enclosed in a framework of logs, and that with it were a copper plate and a pipe carved out of stone. They remark that the body seemed to have been enveloped in matting. Their pit B was about twenty feet northwest of the centre and there they came to another burnt skeleton, as shown by our exploration, although, deceived by the imperfect examination which the caving of the pit compelled them to make, they thought they had found an 'altar' and mention the burnt burial chamber as such. They state that they found at this point several implements made of bone. At the side of their excavation we took out about half a dozen pointed implements made from the leg bones of deer. Several months before our work was begun, as already referred to, the school boys, under the lead of Mr. Wilson, dug two pits in the mound, one of which was between those made by Squier and Davis over forty years ago, and the other at the side of Squier and Davis' pit B. In each of these many remarkable objects were found. So far as 'relics' are concerned, the boys made a lucky hit and took out more objects from one of their pits than were found in all our exploration. The larger part of these we have been able to secure from the boys, and from Mr. Daniel R. Harness, who very kindly gave to the Peabody Museum all that he had purchased from the boys at the time, realizing that they would be of more importance and value to science if placed in the Mu-

seum with other objects from the mound, than if held in private hands as mere curiosities. Among the specimens thus obtained were two copper celts and three or four copper plates, also several copper ear ornaments, some of which were covered with meteoric iron in the same way as those from the Turner mounds in the Little Miami Valley, and a celt made of meteoric iron. Thus we have an important link, connecting the people who built this great mound and the earthworks about it in the Scioto Valley, with the builders of the singular group on the Turner farm, in the Little Miami Valley." (Pages 404-406.)

"34856-35134. Burnt human, animal and bird bones; shells of different kinds, some of them perforated; cores and chipped points of flint; ornaments made of stone; hammerstone and a discoidal stone; beads of pearl, bone and shell; canine teeth of large bears, some of them perforated; teeth of deer and a shark's tooth; ornaments made of copper; ear ornaments of copper, a few covered with a thin layer of silver and others with meteoric iron; small hemispheres of stone and of pottery, covered with silver, copper and meteoric iron; fragments of silver ornaments; a celt of meteoric iron and one of copper; ornaments and fragments of mica; portions of a pipe carved out of stone; a large mass of galena; cloth, seeds, nuts, corn and grass, all charred; fragments of matting partly burnt; balls of clay; fragments of pottery; bone handles, awl points and other implements of bone; braided grass; charcoal, ashes and burnt clay, some of the latter still bearing the impress of logs of wood; portions of burnt and unburnt human skeletons; all from mounds belonging to the Liberty group on the land of Edwin Harkness, Esq., in Liberty Township, Ross County, Ohio." (Page 426.)

## Section 6. Relics of Ancient Ohio Tribes.

In the descriptions of explorations and of our journeys down the various streams, we have purposely omitted the characteristic ornaments, weapons, etc., found. These are to be treated under this section.

Our collections contain material of every grade — fine and poor, high and low. We gathered everything that related to the

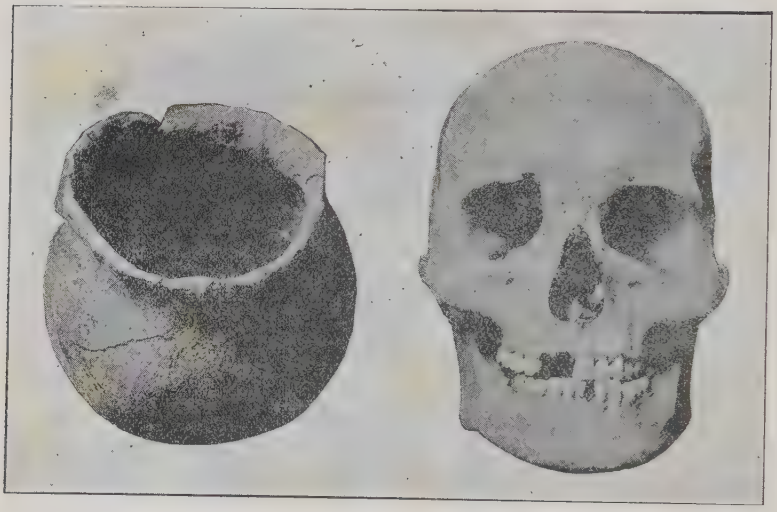

FIGURE XVIII. One-fourth size. Cranium and clay vessel, Circleville, O. (mound.)

pre-Columbian occupation of the region whether by purchase from farmers, by our own field searching and digging, by gift or loan.

We are all doubtless familiar with the imposing embankments which once occupied the ground now covered by Circleville, through the writings of our early antiquarian and historical observers. Not one trace of the high walls of the combined square and circle remains visible to-day. Truly has the obliteration been complete.

About two years ago a remaining half of one of the smaller mounds was removed by contractors engaged in grading a new street. In the mound were found the skull and clay vessel illustrated in Figure XVIII. The skull is remarkably well preserved, brachycephalic in type, was found upon the base line and is therefore that of an original Mound Builder. It appears to be of the same type as those found throughout Scioto County from Piketon to Columbus. The vessel is not decorated, measures 6 inches high, 5¼ inches across the top, and 19 inches around its greatest circumference. It was moulded in a basket, as the impressions of the strips are plain upon its surface. Mr. Barton Walters, of

Circleville, procured the two specimens as soon as they were discovered.

On nearly every field in northern Perry County are flint, chert or chalcedony implements and flasks, etc., struck off in their manufacture. Figure XIX presents 19 specimens, each varying in details from the others, yet these may be divided into six classes.

| | | |
|---|---|---|
| Knives | | 6 |
| Rotary or beveled spears | | 2 |
| Scrapers | | 2 |
| Triangular spears | | 2 |
| Hairpin or drill | | 1 |
| Barbed implements | indented at base | 1 |
| | shouldered | 1 |
| | stemmed | 1 |
| | barbed at the side | 3 |

No. 3815 is most complete and represents the best type of beveled spear head.

No. 3791 is a fine curved knife about 4¼ inches long and well worked on either side.

Mr. M. E. Thrailkill, of Columbus, last year loaned the Society his large collection of Scioto Valley specimens. Figure

FIGURE XIX. One-fourth size. Flint implements, Perry County, O.

XX shows four hematite pendant or "plum bob" shaped objects and a similar one of slate. The latter is larger and in addition to the girdling groove has one across the top. No one has satisfactorily explained these plummets.

Certainly the term "plummet" while it described the form, is unappropriate, and should not find place in archæological nomenclature. That prehistoric people of this country (at least north of Mexico) knew nothing of the use of the plummet, goes without saying. That these were used as sinkers for fish-lines, as has been suggested by some archæologists, is beyond belief.

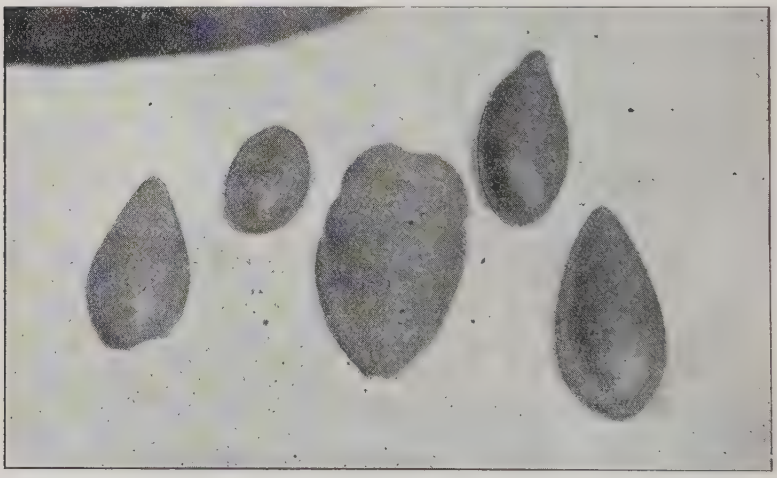

FIGURE XX. One-third size. Plummets of Hematite from the M. E. Thrailkill collection (loaned).

An aborigine sufficiently skilful to work hematite into so graceful and symmetrical a form, would certainly hesitate about risking the object from his primitive fishing line. An ordinary notched pebble would serve the purpose much better, and could be easily duplicated. Surely the plummet must be ceremonial. Dr. Bowers suggests that they were used as charm stones, basing his conclusions upon the testimony of some aged California Indians whom he interviewed years ago.*

* See the Antiquarian, January 1897. (Columbus, O., first number.)

Figure XXI exhibits five ceremonial and ornamental objects, a tube pipe broadened at one end, and a flat bone handle to a flint knife or other cutting implement. Mr. Thrailkill procured these from a gentleman who had dug in the summit of a mound along the Scioto near the Pickaway County line. He found them a few feet below the surface. Beyond question they constituted a small "cache" which some traveling prehistoric merchant placed in the mound's top that he might more easily discover them. With the specimens illustrated were thirty or forty knives, spear and arrow points.

The figure to the left (upper row) in the plate, is a clay pipe and was about seven or eight inches long. Some two inches are missing. It is of an unusual type; called by many persons "telescope." The little bone handle lying next to it is about 3 inches long, well made and excellently preserved. None of the tablets, ceremonials and ornaments need description save the one in the lower left hand corner. It is of striped (red and white) granite and rather unique in form.

Our museum contains few historic or post-Columbian objects. It is therefore interesting to note that a number of silver

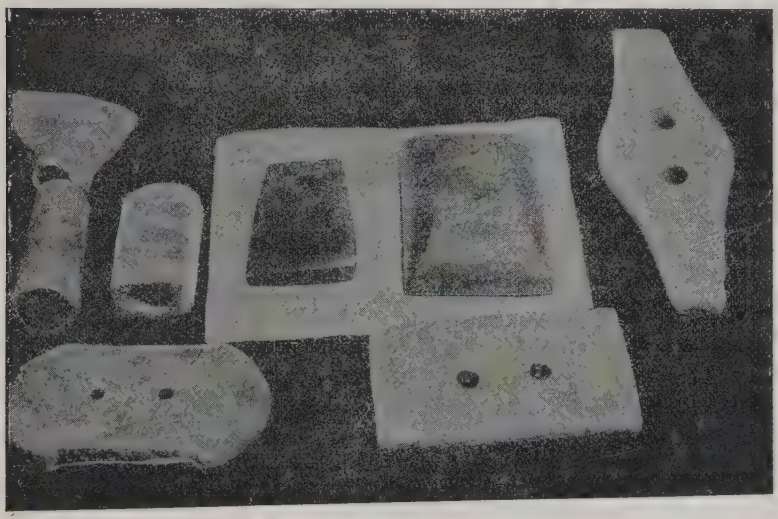

FIGURE XXI. One-third size. Ceremonials, etc., (mound). M. E. Thrailkill loan collection.

FIGURE XXII. One-fourth size. Silver bands, cross and glass beads from a grave near Rushville, O.

arm bands, a thousand beads, some crosses and a kettle were taken from a Delaware or Shawnee grave in Fairfield County just across the Perry County line, south from Rushville.

Figure XXII exhibits these. Thousands of Ohio Indians from 1650 to 1800 wore such ornaments, and yet but few have been discovered.

Hematite objects are considered scarce among museums. We are fortunate in being possessors of fifty of them. The museum as a whole contains nearly one hundred. Figure XXIII illustrates seven of the best ones secured during the Perry County explorations. The hollow cone to the right is extremely rare. Solid hematite cones are found and occasionally one slightly hollowed at the base, but very seldom one such as this. Excepting quartz, there seems to have been no stone more difficult to shape with primitive tools than hematite. Its very hardness would seem to defy the simple artisan; yet he pecked, ground and polished until he reduced the refractory lump to a beautiful plummet, cone or celt.

Any one who studies prehistoric archæology in America is impressed by the extent of commerce between tribes. Here in Ohio we have slate, hematite and flint, of the latter the greatest quarries in North America. From them (Flint Ridge, Licking County), material in the shape of discs as well as complete im-

plements, was transported hundreds of miles. Slate was also widely distributed. Hematite also found its way to remote sections where the material was not to be had. Of course the farther away from its source, the more valuable it became. Most of our hematite comes from the Muskingum region and therefore we had little trouble in greatly enlarging our collection as we traversed Perry, Muskingum and Morgan Counties.

Hematite axes are found in Missouri, but seldom in Ohio. Surface ore there exists in large fragments and seems to be better adapted for large implements. However, the Missouri specimens (and there are several in the University collection) do not equal those of Ohio in finish, care in manufacture and polish.

It is no exaggeration to state that the combined eastern museums contain at least 2,000 hematite specimens from Ohio.

Figure XXIV shows seven of the cache implements from Mr. George Workman's mound, Walhonding. No difference can be detected in the form of these specimens save that some have a nearly straight base, while others are slightly rounded. All are most delicately chipped, being very thin. The minimum size is 2 1-3 inches, the maximum 4 1-5 inches. No 8351 in

FIGURE XXIII. One-third size. Hematite objects, Perry County, O.

FIGURE XXIV. One-third size. Cache implements, Workman Mound, Walhonding, O.

the illustration is rather leaf-shaped in outline, while No. 8379 is nearly triangular.

Quarries from which chalcedony was mined are distant but a few miles, so the find is local and therefore of great interest The mass of small flakes and chips, cones, etc., lying just a few feet beyond this deposit and the large (decayed) deer antler leads us to conclude that the 67 implements were made on the spot and then placed on the body.

We cannot find record of a similar sort of burial in a mound or grave in this country.

Triangular spear-heads of the kind shown in Figure XXV, (7896, 8657), we found in four mounds. Invariably they were made of Coshocton flint. No. 8657 came from above Malta, while 7896 was found at the base of the large Porteus mound. These two vary in size, but the form, work and material is the same. Three others found with skeletons are identical, all being very thin, sharp and well wrought. We are inclined to the belief that they were made by the same man, for there is that specialization or stamp, as it were, which marks them as the handiwork of one person. The mound above Malta is 50 miles, that of Mr. Porteus about 15 miles from the nearest quarries. We are convinced that the tumuli containing these triangular spears were

built at the same time, or at least within a few years of each other. (See also figure XXVI.)

The central spear in Figure XXV (8659) came from Mr. Alderman's mound at McConnelsville. Two spears, shouldered exactly like this one, of the same size and material, were found in the small Porteus mound below Coshocton.

The discoidals shown at the top of the picture are from

FIGURE XXV. Two-fifths size. Mound spears and discoidals, Muskingum Valley.

mounds; 8662 from Mr. Johnson's, Walhonding, and the small one from a mound three miles above Malta.

Discoidals sometimes occur in the tumuli but more frequently come from village sites.

The two bone needles or awls shown in figure XXVI come from mounds 75 miles apart: one at McConnelsville and the other near Richmondale. Both are exceedingly sharp and are perforated.

Discoidal No. 3618 (museum number) comes from a vil-

FIGURE XXVI. Two-fifths size. Bone awls, a discoidal and flint implements from Mounds.

FIGURE XXVII. Two-sevenths size. Large spears, Ohio.

lage site near the Sherwood mound above Malta. The triangular spear above it has been described on page 196 of this report.

Serrated arrow-heads like No. 7101 (museum number) are found along the Muskingum.

Most of the large spear-heads (those exceeding 7 inches in length) found in Ohio, have gone to the eastern museums. But we have quite a number preserved in Orton Hall. Figure XXVII exhibits four of them. Beginning at the left we have one of yellow flint, well made but slightly broken at the top. Locality, near the Indiana line in Darke County. Next is a broad specimen 8x5 inches of quartzite. It is apparently foreign to Ohio yet was found on the site of Logan's (Shawano) town 7 miles southwest of Circleville. The long, shouldered ($8\frac{1}{2}$ inch) spear comes from Franklin County, banks of the Scioto below Columbus. That beautifully notched one to the right, from near Circleville. (Harness Renick collection).

FIGURE XXVIII. One-fifth size. Humeri from Muskingum Valley tumuli.

FIGURE XXIX. One-half size. Pipes, bear tusks, copper bracelet and cone, (mounds.

Olecranon perforations in the humeri were found in a large proportion of the skeletons exhumed. Of the humeri preserved, perforations were noted in thirty of them. Forty-six were unperforated. No greater number of humeri, either perforated or unperforated, could be secured, as most of the skeletons found were badly decayed.

Figure XXVIII shows one humerus each from four skeletons. The broken bone is the only unperforated one of the four.

In Figure XXIX there are seven objects, each one of which can be classed as a rare specimen. Particularly is this true of the copper bracelet, the hematite cone, and the three bear tusks, all of which come from mounds. It will be observed that the three bear tusks (shown at the top of the plate on either side of the pipes) differ as to size. One has been cut (evenly) and is not perforated. The others have three perforations each. From finds in the Hopewell group, we would conclude that these perforations are made for the purpose of inserting pearls or beads in the side of the tusk, although no beads were found inserted in these specimens. We cannot understand why so many of the bear tusks are cut into two sections.

Both of the pipes are of stone and come from the Muskingum valley. The small one from Walhonding and the larger from McConnellsville. The bracelet is from Mr. Barger's mound, the hematite cone and tusks are from the Harness mound, Ross County.

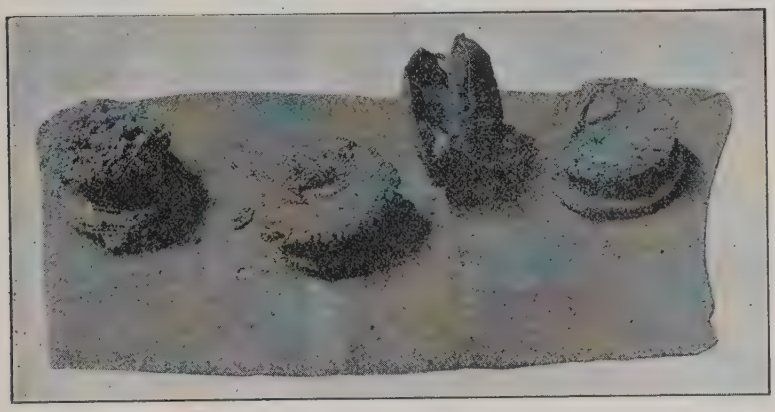

FIGURE XXX. Three-sevenths size. Copper plate and spool shaped ornaments from the Harness Mound.

Figure XXX exhibits our best copper plate and four spool-shaped ornaments from the Harness mound. All are covered with a heavy incrustation of verdigris and the spools show action

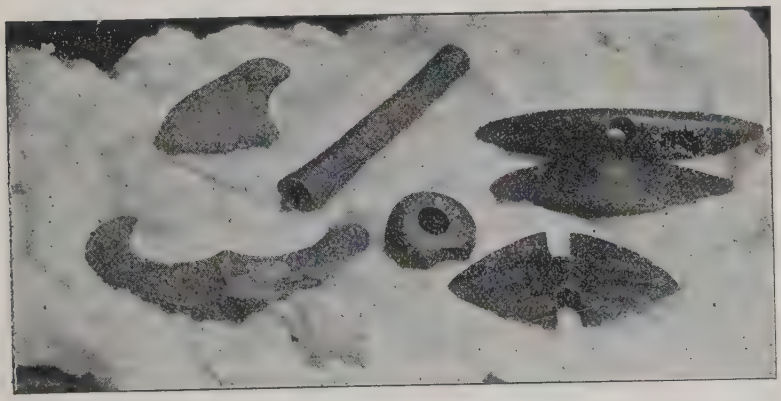

FIGURE XXXI. One-third size. Ceremonials, etc., Ohio.

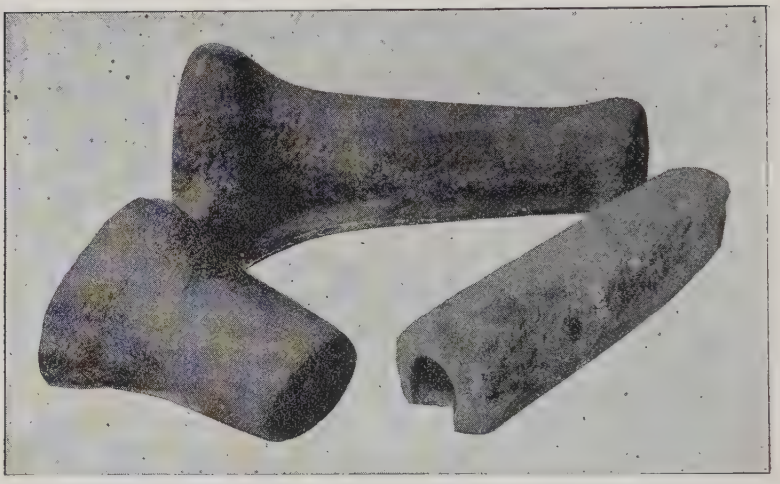

FIGURE XXXII. Two-fifths size. Two pestles and a sandstone tube; Muskingum Valley.

of fire. The plate has two perforations. It appears to have been evenly hammered out.

Figure XXXI shows seven interesting ceremonials and ornaments of slate in the possession of the Society. Of these, No. 8719 (museum number) was found the past season in Ross County, while the others have been in the possession of the Society for some years. The rude effigy at the top, to the left, is of the type occasionally found in Michigan and the north. It is generally perforated at each end of the base, something after the manner of bird or saddle ceremonials. The crescent-shaped object, perforated in the middle (lower left hand specimen) comes from Ashland County, Ohio, and was collected by Mr. H. B. Case. It was undoubtedly worn as a head ornament and probably typifies horns. The bar amulet, just over No. 8719, is 7 inches in length, perforated at each end, and seems to have been worn on the fore-arm. The uses of the four objects on the right (the slate "bead," the butterfly-shaped stone, the drilled, pick-shaped object and the boat-shaped) are unknown, and these are covered by the general term, ceremonials. All are interesting specimens and add largely to the attractiveness of the collection.

Figure XXXII exhibits two pestles and one large rude tube-pipe. The lower pestle is the more symmetrical and the rarer of the two. The slighter one is a common type in the Mississippi valley. No. 3317 (museum number) the drilled sandstone pipe, is 8½ inches in length and 2 inches in diameter. It seems to be unfinished. Many rude sandstone objects drilled to a depth of from 1 to 3 inches, are found in Ohio, but it does not appear that many of them were used as pipes. On the contrary, it is quite evident that they served as handles for flint or bone tools.

We are exceedingly fortunate in possessing a large number of grooved stone axes. Some of these are of rare form and high polish. Especially is this statement true of the middle ax in Figure XXXIII. This plate represents five axes, ranging in weight from three-quarters to nine and a half pounds. Most of the Ohio axes are of the type known as "flat back," that is, the groove does not extend quite around the specimen, the back is either flat or slightly hollowed out, in order that a wedge might be driven between the fastening and the ax head and thus it might be more firmly secured to the handle. Specimens

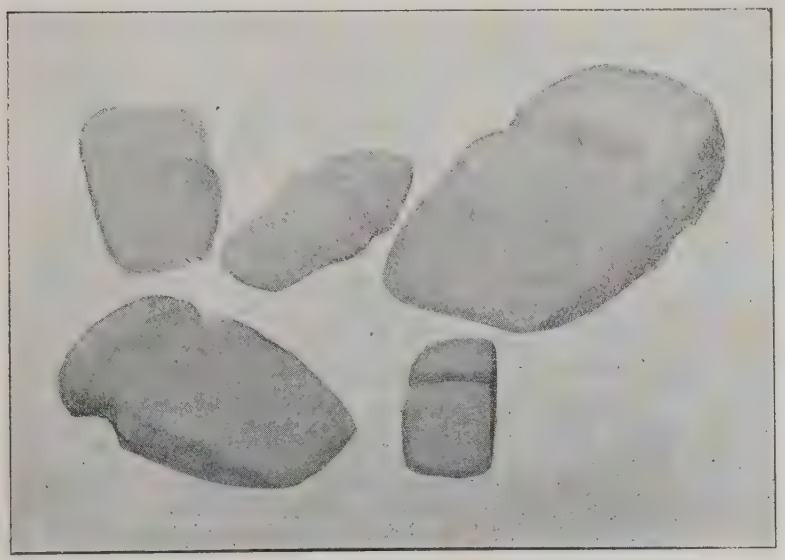

FIGURE XXXIII. One-fourth size. Stone axes of various types, Muskingum Valley.

FIGURE XXXIV. One-fourth size. Polished stone hatchets or celts, Muskingum Valley.

like the middle ax, having a round or pointed top and a narrow, thin, tapering blade, are exceedingly rare and seem to be more of a ceremonial character than for rough usage. Perhaps a larger percentage of axes and polished stone hatchets are found broken than of any of the large relics, because many of them were made of rather inferior stones. We can readily understand how that severe blows, such as would naturally result in the processes of cutting down trees, making canoes, quarrying for flint, etc., would cause them to break, or at least, become badly chipped and fractured.

Figure XXXIV represents six typical polished stone hatchets or celts of different types. No 3073 (museum number) is oval on one side and flat upon the other. It is highly polished. The specimen next above it is gouge-shaped, being hollowed out. The next one is sharp at each end, a type exceedingly unusual, while the one at the top is a large symmetrical specimen, yet the common form. Below is shown a chisel and a small common hide dresser. It is doubtless true that many of these polished stone hatchets were lashed in convenient handles and used as tomahawks. They were much lighter and more easily wielded than the stone ax, and the form being wider at the edge readily admits of their being lashed to handles.

Plate XXXV represents a number of banded slate ornaments, the property of the Society. Of these, the T-shaped one in the middle, the heart-shaped specimen (No. 7579, museum number), and the tablet-shaped (No. 4076, museum number), were all found this summer. Undoubtedly those perforated near the top were worn suspended about the neck, for we find them upon the breasts of skeletons in mounds and graves. But those perforated at either end, such as the pointed one at the top, in the illustration, and the one to the right, may have been worn on the forearm and served the double purpose of ornamentation and protection of the wrist against the release of the bowstring. No. 7579, the heart-shaped ornament, is an unique type, not usually found in Ohio. It came from Brinknaven, having been found near the border of Knox County.

## SPECIMENS IN THE OHIO STATE UNIVERSITY COLLECTIONS.

The Ohio State University has in its collection some very remarkable specimens. Perhaps the finest piece of work in slate is that shown in figure XXXVI. Truly, aboriginal man outdid himself when he manufactured this magnificent ceremonial. It is exactly twice the size of the illustration in every particular.

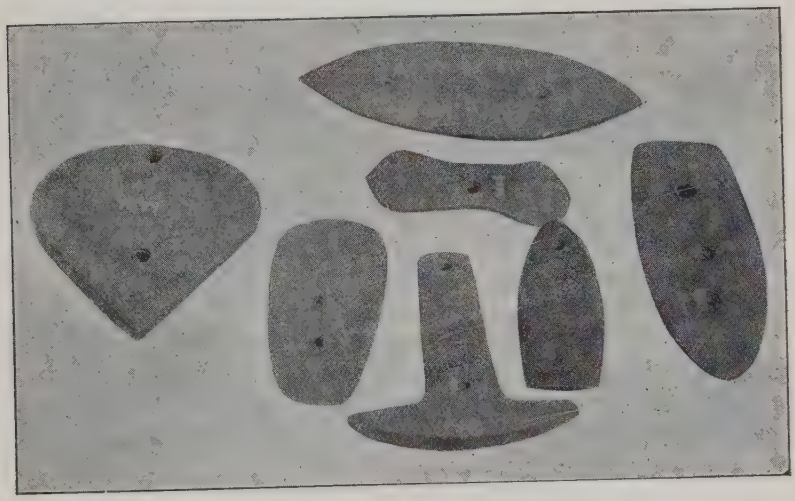

FIGURE XXXV. One-fourth size. Banded slate objects, Ohio.

There is not the slightest flaw in it. It bears unmistakable signs of having been worked either with flint, stone or bone tools. Of the type known as butterfly, or banner stones, we can say

FIGURE XXXVI. One-half size. Banded slate "butterfly" ceremonial, Hughes collection. Knox County O

FIGURE XXXVII. Two-fifths size. Turtle pipe, ornament and war hatchet. Hughes collection.

naught regarding its use or purpose. Many of our best archæologists have not attempted to explain the idea that prompted the manufacture of such delicate and unusual types as this. Others

have said that they were kept by the chief medicine man or shaman, in the tribal mystery or medicine bag. Nothing is really known regarding the use of this specimen and we may simply examine it and remark its beauty and perfection. It was collected by Judson Hughes of Holmes County, and is a part of his collection now owned by the University.

Figure XXXVII shows three more specimens from the Hughes collection. None of them, with the possible exception of the turtle pipe, are like any specimens which we have previously observed in any of the collections from Ohio. Particularly would we claim this for the delicate, slender diorite hatchet to the right. It is well chiseled, very sharp, of unusually high polish and fine workmanship. The ornament to the left of the turtle is of banded slate. It differs from other slate ornaments in having a raised section about one-quarter of an inch higher than its regular surface. This is unquestionably an ornament worn about the neck. The turtle pipe is of unique form, although the sculpture of the head is not as well executed as in the effigies from the lower Scioto valley. All three of these specimens are from Holmes County.

Figure XXXVIII shows three specimens from the Marshall Anderson collection of Circleville, Ohio. Mr. Anderson's

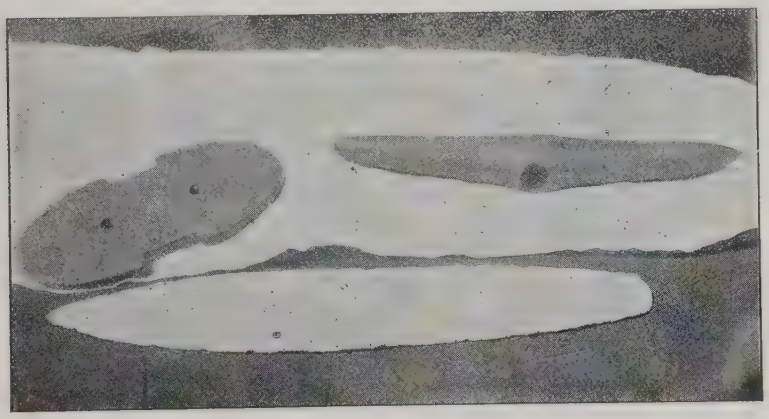

FIGURE XXXVIII. Two-sevenths size. An eleven-inch flint instrument, a ceremonial and a tablet. The Marshall Anderson collection, Circleville, O.

FIGURE XXXIX. One-fifth size No. 326, axe weighing 13¼ lbs., Moorehead collection. Axe to the right, Marshall Anderson collection.

widow and son loaned the collection to the University some two years ago. It is valuable in that it comes almost exclusively from Pickaway County. The large flint implement eleven inches in length, shown at the bottom of the picture, is of white flint, and, so far as we are aware, with three exceptions, is the largest flint implement found in the State of Ohio. The exceptions are the chert dagger found at Oregonia, Warren County, Ohio, 1891, by the World's Columbian Exposition survey, under our direction; the spear-head of Arkansas material, owned by Mrs. Pricer, near Bainbridge, Ohio, and one implement in the possession of Jacob Ankeney of Xenia, Ohio. The implement is beautifully worked, but slightly nicked upon its edge. The material of which it is made does not seem to be Ohio flint, but we cannot, at present, exactly locate it. It is presumably southern. The tablet over the spear is peculiarly grooved in the middle. The pick-shaped ornament is of unusual length and is slightly thickened just opposite the perforation.

In figure XXXIX are shown two axes. The one not num-

bered belongs to the Marshall Anderson collection. It weighs 10½ pounds and is of unusual perfection and polish. Axe No. 326, in the same picture, was found in Warren County, Ohio (the writer's private collection), and weighs 15¼ pounds. It is one of the largest axes in the United States, being excelled by one or two in the Smithsonian Institution, one in Illinois, one in the Field Columbian Museum and one in Wisconsin. Archæologists are rather of the opinion that axes of this great size were made for ceremonial purposes, kept as it were by the tribe for religious or other purposes and were not put to common use.

Figure XL illustrates a beautiful tube, an axe and a large slate pipe. The tube and the pipe belong to the Hughes collection and were both found in Knox County. The tube is perforated, as in other specimens of this character, but is unique in that there is a raised section along the middle on either side of the perforation, and, along this elevation, are two grooves. The pipe is quite large, weighing about one pound, and appears to have been used in councils by many smokers, rather than as the property of one individual. The axe is slightly hollowed out on the back, very short and thick, and more of the adze type.

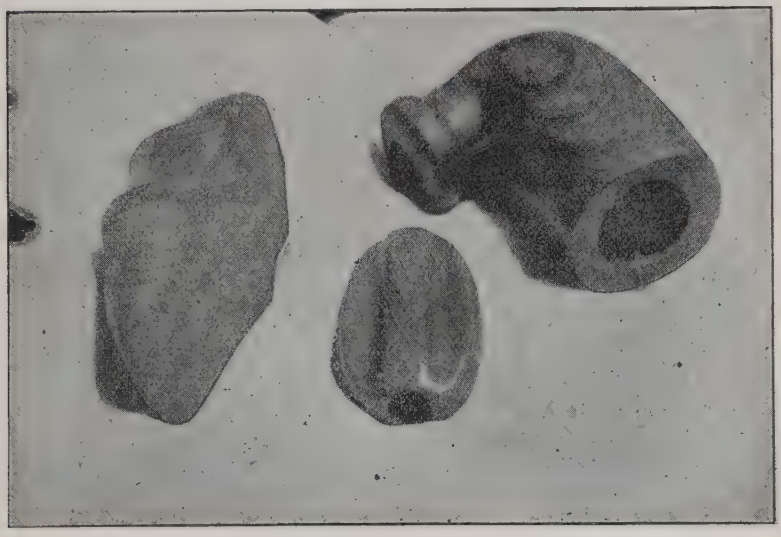

FIGURE XL. One-third size. Slate pipe, a tube and a peculiar axe; Ohio.

such as are found on the Pacific coast. It was presented by Dr. Herzer.

Figures XLI and XLII represent two of the finest pipes in

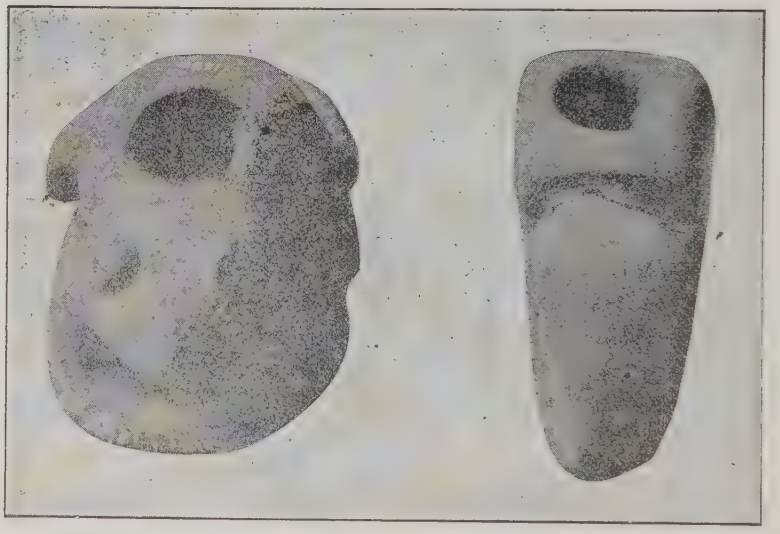

FIGURE XLI. One-third size. Frog and "bird" pipes. Moorehead collection

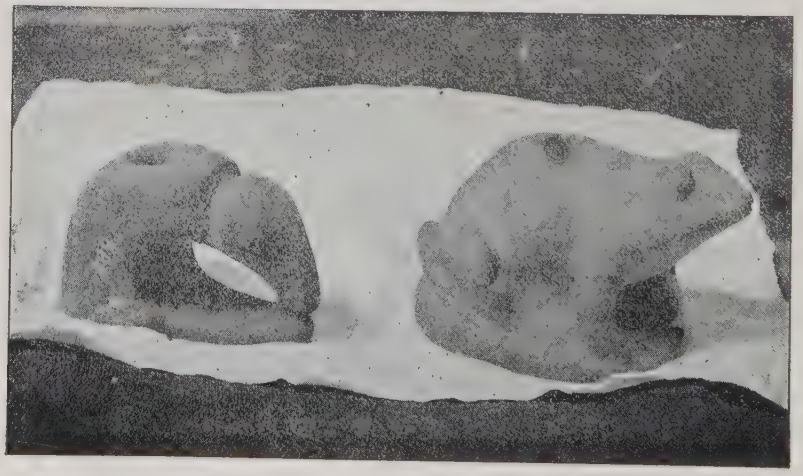

FIGURE XLII. Two-sevenths size. "Bird" and frog pipes. Moorehead collection.

the museum. These were obtained by the writer, the frog in Warren County and the bird in Ross. At the time of the finding of the bird pipe (No. 593) there was much discussion as to whether it was a bird or a mastodon. The effigy is exceedingly rude and, on that account, some were inclined to believe it to be a mastodon. However, we are of the opinion that it is only a bird. The frog is an excellent sculpture, weighs a trifle over five pounds, and is cut from fine-grained sandstone, while the bird is executed in red standstone. The frog is quite a trav-

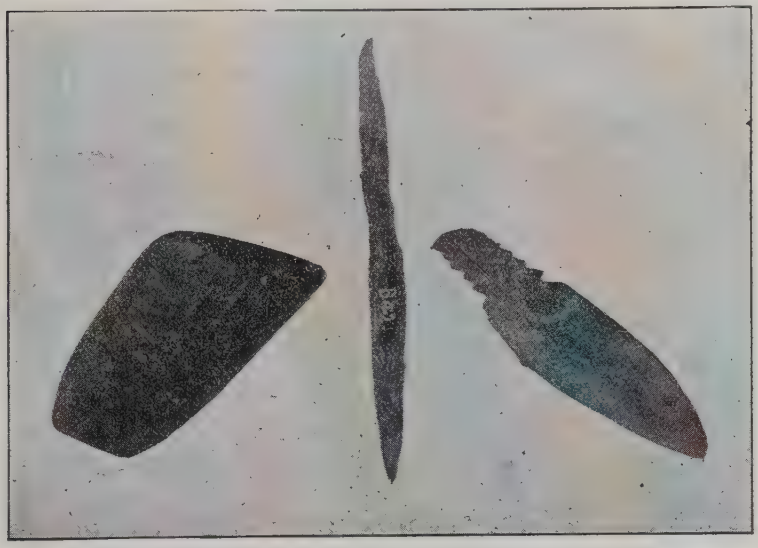

FIGURE XLIII. Two-fifths size. Copper implements, Warren County, O. Moorehead collection.

eler, having been on exhibition at the Centennial, Philadelphia, '76; the Smithsonian Institution and the Paris Exposition, '89, at which places it received honorable mention. Most of the large effigy pipes have been carried east or abroad, and we may consider ourselves fortunate in having secured several of them.*

The three copper relics shown in Figure XLIII come from Warren County, Ohio, and belong to the private collection of

* A large owl pipe, a fox, and a bear are in the University collection.

the writer. Quite a number of pieces of copper have been found in Warren County. All of the specimens (an axe to the left, a needle, 842, and a spear-head, 547), are formed of lump copper, hammered in the cold state. In the axe and the spear-head, one can plainly detect the edges of the sheet copper which has been added to thicken the spear through the middle. It may be well to remark in this connection that, while the Field, the Peabody and the Smithsonian Museums and several other institutions have some thousands of specimens of Ohio copper, we have but eighty-four pieces in our entire museum.

Figure XLIV shows a sculptured disk, found in the City of Mexico at the time of the Civil war, by Mr. Anderson. Photographs have been sent east to our American scholars, in order that the full meaning of the inscription might be secured. The stone is about an inch in thickness and upon the reverse has three deep holes forming a triangle in the center.

Figure XLV represents a terra cotta head found on a village

FIGURE XLIV. One-third size. Sculptured disc; Mexico. Marshall Anderson collection.

FIGURE XLV. Full size terra cotta head, Ohio River, near Youngstown, O.

site on the banks of the Ohio River, near Youngstown. It is of the same character as the little idol heads or pottery sculpture found in Tennessee and Arkansas.

## SUMMARY OF ALL COLLECTIONS IN ORTON HALL ARCHÆOLOGICAL MUSEUM, PROPERTY OF THE HISTORICAL SOCIETY AND THE UNIVERSITY.

| | |
|---|---|
| Stone Pestles, various patterns | 192 |
| Rollers, or Elongated Pestles | 47 |
| Grooved Stone Hammers | 92 |
| Ungrooved Hammers, Hammer Stones, etc | 510 |
| Grooved Stone Axes, many types | 235 |
| Whole Pottery, Missouri, Arkansas, Mexico, Ohio | 127 |
| Polished Stone Hatchets, or Celts | 530 |
| Flint Hatchets, or Small Agricultural Implements | 305 |
| Exhibit illustrating Southern Village Life, along the Savannah River | 1,306 |
| Slate and Sandstone Tubes | 20 |
| Copper Objects | 78 |
| Ocean Shells, from Mounds | 7 |
| Crania, from Mounds and Graves | 32 |
| Saddle Stones (Ceremonials) | 8 |

| | |
|---|---|
| Ceremonial Axes and "Butterfly" Ceremonials | 17 |
| Whole or Partial Skeletons from Mounds | 36 |
| *Village Site Material, Pottery, Flint, Bones, Implements, etc | 6,000 |
| Casts of famous relics | 115 |
| Bone Implements from Mounds and Graves | 198 |
| Shell Implements from Mounds and Graves | 40 |
| Mica Objects from Mounds | 93 |
| Vermont and Maryland Collection, estimated | 1,000 |
| †Flint Implements, all kinds, estimated | 29,585 |
| Flint Ridge Collection | 1,637 |
| Georgia Collection | 1,018 |
| Stone Mortars | 16 |
| Stone Pipes | 51 |
| Clay Pipes | 9 |
| Modern or Historic Indian Objects | 62 |
| Strings of Beads | 14 |
| Discoidals | 38 |
| Hematite Objects | 86 |
| Silver Objects (Modern) | 12 |
| Slate Ornaments | 185 |
| Slate Ceremonials | 80 |
| Granite Ceremonials, etc | 20 |
| Photographs of famous relics and of explorations | 281 |
| Unfinished Objects | 600 |
| Miscellaneous Specimens | 1,400 |
| Total | 46,052 |
| Specimens in Loan Collections (estimated) | 8,900 |
| Total | 55,052 |

## Section 7. An Archæologic Map of Ohio.

Two years ago, at the request of the Society, we undertook the preparation of a large archæologic map of the State of Ohio. As the name implies, this map had for its object the

* This estimate is probably below the actual number in the museum.
† This number is probably below the actual number in the museum.

proper recording (by townships) of the prehistoric mounds, village sites, enclosures, fortifications, etc. The United States Government had observed, through the Smithsonian Institution and Bureau of Ethnology Reports, some six or seven hundred separate remains in the State. Butler County stood alone in this report as being one of which it could be said that every monument (or nearly every one) was accurately recorded. To Rev. J. P. McLean belongs the credit of having done this work many years before the complete mapping of the entire area was undertaken by the Society.

In the making of this map, Ohio stands as the first State in the Union which has undertaken systematic recording of prehistoric remains. France, England and Germany know exactly how many dolmens, menhirs, cairns, tumuli and fortifications are within their limits. Governments of these countries have been particularly energetic in this matter, and the archæologist to-day, especially of France, is not confronted with any of the difficulties which beset the path of the American scientist. He knows, by reference to his map, just what mounds, and how many, are in each parish.

We were aware, when this work was projected, that it would take several years to locate all of the monuments whose exact geographic position could be determined. We estimated that the number of remains in the State would reach 17,000. We were aware of the truth of the general statement that Ohio is the richest State, archæologically speaking, in the Union; but, as the work progressed, we were astonished at the great number and diversity of these earth and stone structures.

Many obstacles have arisen and our work has been carried on under disadvantages. Nine counties have reported but one mound each. Sixteen counties have reported five mounds, or less. Our work has proved that there is no single county in the State in which there are no prehistoric monuments. Furthermore, it is contrary to reason to assume that there are less than twenty monuments in each county. There are several sections in the State in which village sites and mounds may be extremely rare, but a careful investigation of such districts would not fail to properly record at least fifteen or twenty evidences of primitive

man's occupation. Failure to get any satisfactory returns from about forty-five counties in the State can be charged directly to those persons with whom we have corresponded, or conversed, who are unwilling to take the time and the trouble necessary to procure for us a complete report upon the neighborhoods in which they reside.

Singular as it may seem, there are counties in which we were unable to find any person who was willing to coöperate with us. Generally, over the State more than 100 persons returned our tracings with such comments as: "I have not time," or "How much do I get for this?" or "Don't know and don't care," — and these were people of intelligence.

It may be interesting to readers to learn how we obtained the 2843 characters placed upon the map.

We first took all those which Professor Cyrus Thomas, Mr. Fowke, Rev. MacLean and a host of other investigators had recorded in the various publications. This covered every report relative to Ohio available in public and private libraries at Columbus (something over 400 volumes and papers). As a total from these we obtained about 900 locations.

Then we prepared tracings of each of the counties and sent these to all collectors and members of the Historical Society and persons of intelligence whom we thought would aid us. Many of the tracings were lost. Others came back and were again sent out. Most of them were returned with but one or two markings. Pickaway County may be taken as an example of the method pursued. It was first sent to Mr. Barton Walters, of Circleville, who recorded 53 monuments, then it went to Mr. Tipton in the southwestern portion of the county, who placed about 25 more, and from him to a gentleman upon the east side, who listed such as were known there. Then it was sent to Mr. Roof, of northern Pickaway County, who recorded 15 or 20 more.

It must be remembered that nearly every location represents more than one mound and that a large proportion of the earthworks include numerous mounds, circles, squares, etc., so that the total average for each mark made upon the map is:

4½ for the Scioto Valley,
2½ for the Muskingum,
2½ for the Great Miami,
2 for the Little Miami,
2 for Brush Creek, and
1½ for the whole Ohio River from Steubenville to Cincinnati.

The northern part of the State and hilly sections will not average more than 1¼ per character. As near as we can estimate, the 2843 marks upon the map represent 6500 monuments.

Of the obliterated mounds, circles and earthworks, some can be accurately placed, but there are doubtless many, especially in rich, alluvial bottoms of the Scioto, Muskingum, Hocking and two Miamis, which have forever disappeared and have left no trace behind, either in the memory of man, or upon the surface. It will be observed that twenty counties in the State have furnished nearly all the mounds and that Butler, Ross, Jackson, Pickaway, Franklin, Licking, Washington, Fairfield and Adams have furnished over 1400, or about one-half of the entire number recorded.

The larger portion of them lie south of the center of the State. Many cannot be very accurately located. If these were recorded, the number would be swelled to 7500, but we have purposely left them out.

The survey during the past two summers recorded upwards of 500 monuments during its travels. Mr. Swartzel was sent through the northern part of the State on a bicycle and visited seven or eight counties, procuring from them 50 or 60 monuments.

Mr. Loveberry spent four days in traversing portions of Fayette, Pickaway, Madison, Highland and Ross Counties on a bicycle and secured a total of 165 additional mounds. Mr. R. H. Moorehead traveled through northern Licking County and secured 48 mounds in two days. Mr. Loveberry followed Big Darby Creek on one of his trips and main Paint Creek upon another, while Mr. Moorehead followed the north fork of Licking River.

The Curator drove from Steubenville nearly to Clarington

in Monroe County, along the Ohio River, and located about 40 monuments. He drove several days in Perry, Fairfield and Pickaway Counties, and while lecturing in the northern part of the State, drove across Hardin, Wyandotte, Seneca and Sandusky Counties. Pike, Ross, Carroll, Harrison and Warren Counties were also traveled by him.

While mounds seem very thick in the Muskingum and Scioto Valleys, it must be remembered that those regions had been repeatedly traversed by surveys. We do not claim that other regions would show as many remains, but they would exhibit several hundred more than is now assigned them were it possible for a representative of the Society to visit them. Brush Creek, previous to this summer, had but a scant dozen known remains. White Oak Creek in Brown, Raccoon Creek in Gallia, the lower Hocking, Beaver Creek in Columbiana and other valleys, if visited, would be found to contain at least three or four hundred prehistoric structures.

It is now practically impossible to secure exact locations, or any considerable number of additional monuments by means of correspondence.

Recently two hundred letters sent out to persons supposed to be interested in archæology with whom previous correspondence had not been had, resulted in the acquisition of only twenty or thirty mounds or village sites.

An examination of the map shows that many sections of the State, and especially those enumerated below, are not fairly represented. We cannot hope to complete our map, or at least to have it approach completion, unless we resort to personal visitation.

Because of the difficulty of securing further testimony by correspondence (as we have written to every one in the State who is interested in archæology) the Curator suggests the practicability of sending, next summer, one of the students upon a bicycle from Jefferson in Ashtabula County south through Warren to New Lisbon, west across the State to Lima, south along the Great Miami River to Dayton, thence by rail to New Philadelphia, thence southeast to Clarington in Monroe County, and

from there down the Ohio River to Ironton, thence northeast to Athens, then to Ashtabula and west along the lake to the Maumee, up the same to the Indiana line, and south to Cincinnati. This would occupy about two months and would give us an accurate report upon such regions as have not been recorded. The Curator is convinced that the number of monuments upon the map would be increased by two or three thousand by such personal visitation.

Taken as a whole, the two years' work upon the map has been productive of gratifying results. We have recorded for archæologists and persons interested in science 6500 of the monuments of pre-Columbian times. To students of the future, the value of our State archæological map can scarcely be overestimated.

No archæologist seems to have paid attention to glacial kame and gravel knoll burials. Our map shows them to have been much used as grave sites.

Out of three hundred and ten persons in the State interested in archæology, no one seems to have ever heard of copper and but little mica have been found with skeletons in them. There is every indication that interments in glacial kames are older than the mounds.

Excellent preservation of the skeletons is not evidence of recent interment. Bodies buried in gravel, are well preserved, because the material surrounding them permits the water to readily penetrate below the bones, thus keeping the bodies dry.

With the exception of some pieces of pottery and carved shell, the most crude and primitive form of ornaments and weapons accompained the skeletons. There is no care evinced in the preparation of the graves—no evidence of ceremonies having been enacted, such as we conclude were carried out when the mounds were constructed. A simple excavation is made in the knoll and the bodies deposited, apparently without any wrappings of hides or cloth. When possible a rounded knoll—almost artificial in appearance—was always chosen. The number of interments ranges from one to fifty. In Clark, Pickaway, Licking, Clinton, Clermont, Ross and Hardin Counties, gravel burials

seem most numerous. A circle twenty miles in diameter with Circleville as the center would include more than one hundred glacial formations in which skeletons have been found. Nearly every farmer or county commissioner who has had any considerable experience in opening pits, speaks of the finding of skeletons, always tolerably well preserved.

In gravel ridges we sometimes observe trenches varying from fifty to one hundred feet in length, in which there are skeletons. We are inclined to the opinion that these are not ancient, but cannot speak with certainty until further explorations are made. In one trench near the site of Cornstalk Town, in the Pickaway Plains, farmers found thirty-five or forty skeletons, several of which showed unmistakable bullet holes in the skulls.

Some interesting conclusions can already be drawn from the map. Fortifications, enclosures, village sites and mounds are so numerous in the southern part of the State that a line drawn in any direction will intersect large numbers. This disproves the old assertion, made by our pioneer archæologists, that mounds follow each other at regular intervals and were used largely as signal stations. The distributions of mounds can be compared to the stars in the heavens, and lines, circles, squares or triangles might be drawn so as to intersect almost any desired number. While mounds follow the streams generally, yet there are many of them in hilly sections. Nearly every mound can be truly classed as simply a structure erected to cover the dead. Stone mounds predominate over those of earth along the Ohio River, upon Brush Creek and throughout the Muskingum Valley. It almost appears that we can classify the mounds of Brush Creek, the Ohio, the Scioto and the Muskingum as having been erected by different tribes. The exact relationship of these to each other must be determined by future investigations, but it seems, now, as if we could place those of Brush Creek and the Ohio in greater antiquity, or at least belonging to a more primitive culture than those in the Scioto or the Muskingum. It is safe to conclude that in point of numbers, careful construction and evidence of a high grade of barbaric culture, the remains in the Scioto, especially in Ross and Pickaway Counties, rank far above those

in other portions of the State; and while that culture is high, yet it must find its true position in upper barbarism and cannot be considered as belonging to a state of true civilization.

It will be seen in this enumeration, that we have not attempted to make a detailed division of the prehistoric remains in Ohio into their proper classes. While the map shows the known remains in each valley, and distinguishes between structures upon hills and those in the valley, of earth and of stone, of circular, square and irregular form; an enumeration of these remains according to kind, might lead students to arrive at erroneous conclusions. In the next annual report, the map shall have been sufficiently progressed to permit us to state in tabulated form just what classes of remains predominate in the various sections.

Therefore the present omissions in our table are intentional, and must needs be overlooked by the critical reader.

## Table of Prehistoric Remains in Ohio Arranged According to Counties and Townships.

ARRANGED ACCORDING TO THE NUMBER CONTAINED.

### ROSS.

| | | | |
|---|---|---|---|
| Colerain | 1 | Buckskin | 10 |
| Green | 22 | Concord | 10 |
| Springfield | 13 | Deerfield | 4 |
| Liberty | 25 | Franklin | 18 |
| Scioto | 22 | Jefferson | 10 |
| Huntington | 10 | Paint | 6 |
| Union | 38 | | |
| Twin | 25 | Total | 231 |
| Paxton | 17 | | |

### LICKING.

| | | | |
|---|---|---|---|
| Mary Ann | 1 | Franklin | 20 |
| Monroe | 2 | Lima | 1 |
| McKean | 5 | Washington | 9 |
| Jersey | 7 | Harrison | 2 |
| St. Albans | 13 | Union | 14 |
| Eden | 7 | Licking | 13 |
| Granville | 21 | Hanover | 17 |
| Newton | 10 | Bowling Green | 15 |
| Newark | 20 | Burlington | 8 |
| Hopewell | 9 | | |
| Madison | 18 | Total | 212 |

PICKAWAY.

| | | | |
|---|---|---|---|
| Salt Creek | 7 | Muhlenburg | 19 |
| Pickaway | 21 | Monroe | 12 |
| Perry | 5 | Deer Creek | 13 |
| Washington | 7 | Wayne | 15 |
| Walnut | 21 | Darby | 8 |
| Madison | 4 | Circleville | 8 |
| Scioto | 17 | | |
| Harrison | 16 | Total | 195 |
| Jackson | 22 | | |

BUTLER.

| | | | |
|---|---|---|---|
| Morgan | 10 | Wayne | 7 |
| Reilly | 16 | Madison | 12 |
| Oxford | 17 | Lemon | 4 |
| Milford | 6 | Liberty | 6 |
| Hanover | 11 | Union | 11 |
| Ross | 44 | | |
| Fairfield | 14 | Total | 183 |
| St. Clair | 25 | | |

JACKSON.

| | | | |
|---|---|---|---|
| Scioto | 4 | Jackson | 5 |
| Madison | 4 | Coal | 65 |
| Jefferson | 5 | Washington | 15 |
| Bloomfield | 5 | Milton | 7 |
| Franklin | 21 | | |
| Liberty | 15 | Total | 152 |

FAIRFIELD.

| | | | |
|---|---|---|---|
| Rush Creek | 11 | Clear Creek | 25 |
| Madison | 5 | Violet | 5 |
| Richland | 20 | Walnut | 1 |
| Pleasant | 4 | Bloom | 13 |
| Berne | 12 | Amanda | 15 |
| Hocking | 12 | | |
| Greenfield | 3 | Total | 126 |

FRANKLIN.

| | | | |
|---|---|---|---|
| Perry | 6 | Franklin | 7 |
| Sharon | 10 | Marion | 8 |
| Blendon | 4 | Truro | 5 |
| Brown | 2 | Pleasant | 10 |
| Clinton | 3 | Jackson | 21 |
| Mifflin | 4 | Hamilton | 19 |
| Jefferson | 4 | Madison | 11 |
| Washington | 1 | | |
| Prairie | 3 | Total | 118 |

WASHINGTON.

| | | | |
|---|---|---|---|
| Windsor | 3 | Marietta | 10 |
| Waterford | 12 | Warren | 1 |
| Adams | 35 | Salem | 2 |
| Union | 3 | | |
| Muskingum | 19 | Total | 85 |

CLINTON.

| | | | |
|---|---|---|---|
| Chester | 1 | Richland | 1 |
| Liberty | 4 | Clark | 1 |
| Wilson | 1 | Union | 42 |
| Washington | 2 | Green | 1 |
| Adams | 13 | | |
| Vernon | 11 | Total | 77 |

ADAMS.

| | | | |
|---|---|---|---|
| Winchester | 10 | Tiffin | 10 |
| Scott | 1 | Jefferson | 6 |
| Bratton | 6 | Green | 9 |
| Meigs | 10 | Monroe | 7 |
| Oliver | 3 | Spring | 4 |
| Wayne | 5 | | |
| Liberty | 1 | Total | 72 |

MUSKINGUM.

| | | | |
|---|---|---|---|
| Madison | 8 | Salt Creek | 2 |
| Cass | 6 | Rich Hill | 3 |
| Hopewell | 9 | Newton | 1 |
| Licking | 4 | Harrison | 2 |
| Muskingum | 1 | Blue Rock | 5 |
| Falls | 2 | Brush Creek | 3 |
| Salem | 1 | Springfield | 10 |
| Washington | 7 | | |
| Union | 1 | Total | 70 |
| Wayne | 4 | | |

PERRY.

| | | | |
|---|---|---|---|
| Monroe | 1 | Madison | 1 |
| Salt Lick | 2 | Hopewell | 14 |
| Pike | 3 | Thorn | 28 |
| Reading | 15 | | |
| Clayton | 4 | Total | 68 |

WARREN.

| | | | |
|---|---|---|---|
| Wayne | 7 | Deerfield | 1 |
| Turtle Creek | 18 | Washington | 9 |
| Franklin | 5 | Harlem | 1 |
| Massie | 2 | Hamilton | 4 |
| Union | 7 | | |
| Clear Creek | 1 | Total | 55 |

PIKE.

| | | | |
|---|---|---|---|
| Benton | 2 | Scioto | 9 |
| Berry | 3 | Seal | 11 |
| Mifflin | 2 | Pee Pee | 11 |
| Sun Fish | 1 | Jackson | 10 |
| Camp Creek | 2 | | |
| Newton | 4 | Total | 55 |

COSHOCTON.

| | | | |
|---|---|---|---|
| Tiverton | 4 | Tuscarawas | 11 |
| New Castle | 8 | La Fayette | 5 |
| Jefferson | 8 | Oxford | 3 |
| Bethlehem | 7 | Pike | 1 |
| Keene | 1 | Franklin | 1 |
| Perry | 1 | | |
| Jackson | 2 | Total | 52 |

DELAWARE.

| | | | |
|---|---|---|---|
| Porter | 2 | Oxford | 1 |
| Berlin | 1 | Brown | 3 |
| Thompson | 1 | Berkshire | 2 |
| Radnor | 4 | Orange | 6 |
| Marlborough | 1 | Genoa | 2 |
| Troy | 3 | Harlem | 1 |
| Scioto | 2 | | |
| Concord | 5 | Total | 45 |
| Liberty | 11 | | |

HARDIN.

| | | | |
|---|---|---|---|
| Washington | 1 | McDonald | 3 |
| Jackson | 1 | Lynn | 2 |
| Cessna | 7 | Buck | 6 |
| Hale | 4 | Taylor Creek | 3 |
| Pleasant | 6 | Dudley | 5 |
| Goshen | 3 | | |
| Round Head | 4 | Total | 45 |

ATHENS.

| | | | |
|---|---|---|---|
| Dover | 4 | Trimble | 1 |
| Athens | 11 | Ames | 9 |
| Lee | 1 | | |
| Rome | 1 | Total | 44 |
| Alexandria | 17 | | |

SCIOTO.

| | | | |
|---|---|---|---|
| Valley | 6 | Washington | 6 |
| Porter | 2 | Nile | 6 |
| Clay | 15 | Morgan | 1 |
| Green | 3 | | |
| Rush | 4 | Total | 43 |

CLARKE.

| | | | |
|---|---|---|---|
| Bethel | 5 | Harmony | 7 |
| Springfield | 12 | Madison | 2 |
| German | 2 | Pike | 1 |
| Mansfield | 3 | | |
| Green | 4 | Total | 38 |
| Mad River | 2 | | |

HAMILTON.

| | | | |
|---|---|---|---|
| Colerain | 2 | Anderson | 10 |
| Miami | 3 | Spencer | 2 |
| Delta | 5 | Delhi | 1 |
| Mill Creek | 1 | | |
| Sycamore | 3 | Total | 36 |
| Columbia | 9 | | |

ASHLAND.

| | | | |
|---|---|---|---|
| Clear Creek | 4 | Hanover | 4 |
| Montgomery | 7 | Lake | 2 |
| Jackson | 1 | Green | 10 |
| Mifflin | 2 | | |
| Mohican | 5 | Total | 35 |

BROWN.

| | | | |
|---|---|---|---|
| Eagle | 1 | Union | 14 |
| Jackson | 1 | Huntington | 4 |
| Jefferson | 3 | Lewis | 2 |
| Scott | 1 | Perry | 5 |
| Byrd | 2 | | |
| Pleasant | 2 | Total | 35 |

HIGHLAND.

| | | | |
|---|---|---|---|
| Paint | 9 | Fairfield | 2 |
| Madison | 2 | Concord | 8 |
| Clay | 2 | Brush Creek | 3 |
| Liberty | 2 | Jackson | 2 |
| Dodson | 1 | | |
| White Oak | 4 | Total | 35 |

CLERMONT.

| | | | |
|---|---|---|---|
| Montgomery | 2 | Ohio | 1 |
| Miami | 5 | Pierce | 2 |
| Monroe | 1 | Wayne | 5 |
| Stone Lick | 5 | Tate | 2 |
| Jackson | 4 | | |
| Williamsburg | 1 | Total | 32 |
| Batavia | 4 | | |

MORGAN.

| | | | |
|---|---|---|---|
| Bloom | 5 | Meigsville | 3 |
| Malta | 1 | Centre | 3 |
| Morgan | 14 | Deerfield | 1 |
| Union | 2 | | |
| Windsor | 3 | Total | 32 |

FULTON.

| | | | |
|---|---|---|---|
| Clinton | 1 | Pike | 6 |
| Gorham | 3 | Fulton | 2 |
| Franklin | 8 | Chesterfield | 6 |
| York | 2 | | |
| Dover | 2 | Total | 31 |
| Swan Creek | 1 | | |

WAYNE.

| | | | |
|---|---|---|---|
| Sugar Creek | 2 | Wooster | 12 |
| Canaan | 1 | East Union | 2 |
| Congress | 2 | Franklin | 4 |
| Chester | 3 | Salt Lick | 2 |
| Plain | 2 | | |
| Wayne | 1 | Total | 31 |

KNOX.

| | | | |
|---|---|---|---|
| Jefferson | 3 | Morgan | 1 |
| Wayne | 3 | Clinton | 1 |
| Morris | 11 | Pleasant | 1 |
| Middleburg | 3 | Butler | 1 |
| Monroe | 1 | | |
| Union | 4 | Total | 30 |

VINTON.

| | | | |
|---|---|---|---|
| Elk | 2 | Swan | 3 |
| Madison | 5 | Richland | 2 |
| Eagle | 6 | | |
| Brown | 8 | Total | 26 |

MONTGOMERY.

| | | | |
|---|---|---|---|
| German | 6 | Harrison | 4 |
| Jackson | 1 | Butler | 1 |
| Jefferson | 2 | Vanburen | 1 |
| Miami | 7 | | |
| Washington | 2 | Total | 26 |
| Madrid | 2 | | |

WYANDOTTE.

| | | | |
|---|---|---|---|
| Tymochtee | 8 | Richland | 1 |
| Crane | 3 | Jackson | 2 |
| Salem | 8 | | |
| Pitt | 1 | Total | 23 |

MARION.

| | | | |
|---|---|---|---|
| Grand | 1 | Pleasant | 1 |
| Salt Rock | 4 | Marion | 4 |
| Green Camp | 1 | Grand Prairie | 4 |
| Montgomery | 1 | | |
| Prospect | 4 | Total | 23 |
| Richland | 3 | | |

LAWRENCE.

| | | | |
|---|---|---|---|
| Hamilton | 5 | Rome | 1 |
| Upper | 7 | | |
| Fayette | 8 | Total | 23 |
| Union | 2 | | |

GREENE.

| | | | |
|---|---|---|---|
| Jefferson | 1 | Xenia | 10 |
| New Jasper | 2 | Spring Valley | 3 |
| Cedarville | 2 | Miami | 2 |
| Beaver Creek | 1 | | |
| Cæsar's Creek | 1 | Total | 22 |

FAYETTE.

| | | | |
|---|---|---|---|
| Marion | 2 | Union | 4 |
| Paint | 2 | Perry | 5 |
| Jefferson | 3 | | |
| Wayne | 5 | Total | 21 |

SUMMIT.

| | | | |
|---|---|---|---|
| Northfield | 1 | Norton | 1 |
| Boston | 2 | Coventry | 2 |
| Northampton | 8 | | |
| Copley | 3 | Total | 20 |
| Portage | 3 | | |

MADISON.

| | | | |
|---|---|---|---|
| Monroe | 4 | Pleasant | 2 |
| Oak Run | 1 | Jefferson | 7 |
| Union | 2 | | |
| Darby | 3 | Total | 20 |
| Deer Creek | 1 | | |

WILLIAMS.

| | | | |
|---|---|---|---|
| Northwest | 4 | Springfield | 2 |
| Bridge Water | 1 | Brady | 1 |
| Florence | 3 | | |
| St. Joseph | 7 | Total | 20 |
| Pulaski | 2 | | |

HOCKING.

| | | | |
|---|---|---|---|
| Falls | 1 | Washington | 4 |
| Greene | 1 | Salt Creek | 4 |
| Good Hope | 1 | Marion | 1 |
| Starr | 5 | | |
| Perry | 2 | Total | 19 |

UNION.

| | | | |
|---|---|---|---|
| Washington | 1 | Dover | 1 |
| York | 4 | Mill Creek | 1 |
| Claibourne | 1 | Darby | 4 |
| Liberty | 1 | Jerome | 1 |
| Leesburg | 2 | | |
| Paris | 3 | Total | 19 |

ERIE.

| | | | |
|---|---|---|---|
| Margaretta | 10 | Oxford | 1 |
| Portland | 4 | | |
| Perkins | 2 | Total | 18 |
| Milan | 1 | | |

MIAMI.

| | | | |
|---|---|---|---|
| Staunton | 1 | Concord | 2 |
| Newberry | 1 | Monroe | 3 |
| Washington | 3 | Bethel | 2 |
| Spring Creek | 3 | | |
| Newton | 2 | Total | 17 |

LORAIN.

| | | | |
|---|---|---|---|
| Sheffield | 6 | Brownhelm | 1 |
| Brighton | 1 | Pittsfield | 1 |
| Elyria | 3 | | |
| Wellington | 4 | Total | 16 |

MORROW.

| | | | |
|---|---|---|---|
| North Bloomfield | 3 | Peru | 1 |
| Gilead | 3 | | |
| Lincoln | 3 | Total | 16 |
| Chester | 6 | | |

BELMONT.

| | | | |
|---|---|---|---|
| Pease | 5 | York | 2 |
| Pultney | 4 | | |
| Wood | 4 | Total | 15 |

LUCAS.

| | | | |
|---|---|---|---|
| Adams | 2 | Providence | 1 |
| Oregon | 11 | | |
| Springfield | 1 | Total | 15 |

HOLMES.

| | | | |
|---|---|---|---|
| Washington | 2 | Monroe | 1 |
| Ripley | 2 | Richland | 1 |
| Knox | 7 | | |
| Paint | 1 | Total | 14 |

HURON.

| | | | |
|---|---|---|---|
| Ridgefield | 3 | Clarksfield | 1 |
| Norwalk | 5 | | |
| Peru | 1 | Total | 12 |
| Fairfield | 2 | | |

RICHLAND.

| | | | |
|---|---|---|---|
| Jackson | 1 | Jefferson | 2 |
| Sandusky | 1 | Worthington | 1 |
| Springfield | 1 | | |
| Madison | 3 | Total | 12 |
| Mifflin | 3 | | |

TUSCARAWAS.

| | | | |
|---|---|---|---|
| Dover | 1 | Wayne | 2 |
| Franklin | 1 | Mill | 2 |
| Clay | 4 | | |
| Warwick | 2 | Total | 12 |

DARKE.

| | | | |
|---|---|---|---|
| Allen | 2 | Harrison | 1 |
| Wabash | 1 | Greenville | 3 |
| Brown | 1 | German | 1 |
| Mississina | 1 | | |
| Washington | 1 | Total | 11 |

ASHTABULA.

| | | | |
|---|---|---|---|
| Conneaut | 3 | Morgan | 1 |
| Ashtabula | 2 | Rome | 1 |
| Harpersfield | 1 | | |
| Wayne | 3 | Total | 11 |

CUYAHOGA.

| | | | |
|---|---|---|---|
| Brooklyn | 2 | Solon | 1 |
| Independence | 1 | Bedford | 3 |
| Orange | 3 | | |
| Newberg | 1 | Total | 11 |

JEFFERSON.

| | | | |
|---|---|---|---|
| Cross Creek | 3 | | |
| Wells | 3 | Total | 10 |
| Warren | 4 | | |

STARK.

| | | | |
|---|---|---|---|
| Sugar Creek | 1 | Nimishillen | 1 |
| Bethlehem | 2 | Perry | 3 |
| Canton | 1 | | |
| Sandy | 1 | Total | 9 |

DEFIANCE.

| | | | |
|---|---|---|---|
| Mark | 1 | Noble | 2 |
| Milford | 1 | Farmer | 1 |
| Tiffin | 1 | | |
| Hicksville | 1 | Total | 9 |
| Adams | 1 | | |

MERCER.

| | | | |
|---|---|---|---|
| Dublin | 3 | Marion | 1 |
| Union | 1 | | |
| Jefferson | 2 | Total | 9 |
| Recovery | 2 | | |

PREBLE.

| | | | |
|---|---|---|---|
| Jefferson | 1 | Gasper | 1 |
| Harrison | 1 | | |
| Twin | 5 | Total | 8 |

CHAMPAIGN.

| | | | |
|---|---|---|---|
| Mad River | 1 | Urbana | 2 |
| Jackson | 1 | Union | 2 |
| Wayne | 1 | | |
| Johnson | 1 | Total | 8 |

ALLEN.

| | | | |
|---|---|---|---|
| German | 1 | Jackson | 5 |
| Bath | 1 | | |
| | | Total | 7 |

MEDINA.

| | | | |
|---|---|---|---|
| Westfield | 1 | Spencer | 1 |
| Medina | 2 | | |
| York | 2 | Total | 6 |

WOOD.

| | | | |
|---|---|---|---|
| Perrysburg | 1 | Washington | 1 |
| Milton | 1 | | |
| Plain | 2 | Total | 6 |
| Weston | 1 | | |

CRAWFORD.

| | | | |
|---|---|---|---|
| Holmes | 3 | Bucyrus | 1 |
| Liberty | 1 | | |
| | | Total | 5 |

HARRISON.

| | |
|---|---|
| Franklin | 2 |
| Monroe | 3 |
| Total | 5 |

HANCOCK.

| | |
|---|---|
| Pleasant | 1 |
| Delaware | 1 |
| Blanchard | 2 |
| Total | 4 |

OTTAWA.

| | |
|---|---|
| Bay | 2 |
| Danbury | 3 |
| Total | 5 |

AUGLAIZE.

| | |
|---|---|
| Logan | 2 |
| Douchouquet | 2 |
| Total | 4 |

LAKE.

| | |
|---|---|
| Perry | 2 |
| Painesville | 2 |
| Total | 4 |

SENECA.

| | |
|---|---|
| Eden | 1 |
| Pleasant | 2 |
| Total | 3 |

GALLIA.

| | |
|---|---|
| Addison | 2 |
| Green | 1 |
| Total | 3 |

MAHONING.

| | |
|---|---|
| Austintown | 1 |
| Youngstown | 2 |
| Total | 3 |

MONROE.

| | |
|---|---|
| Switzerland | 1 |
| Salem | 2 |
| Total | 3 |

PORTAGE.

| | |
|---|---|
| Palmyra | 2 |
| Hiram | 1 |
| Total | 3 |

NOBLE.

| | |
|---|---|
| Olive | 2 |
| Noble | 1 |
| Total | 3 |

SANDUSKY.

| | |
|---|---|
| Sandusky | 1 |
| York | 1 |
| Total | 2 |

GEAUGA.

| | |
|---|---|
| Russell | 1 |
| Parkman | 1 |
| Total | 2 |

HENRY.

| | |
|---|---|
| Napoleon | 2 |

TRUMBULL.

| | |
|---|---|
| Framington | 1 |
| Braceville | 1 |
| Total | 2 |

LOGAN.

| | |
|---|---|
| Brookes | 1 |

SHELBY.

| | |
|---|---|
| Vanburen | 1 |

PUTNAM.

| | |
|---|---|
| Blanchard | 1 |

MEIGS.

| | |
|---|---|
| Scipio | 1 |

COLUMBIANA.

| | |
|---|---|
| Liverpool | 1 |

PAULDING.

| | |
|---|---|
| Auglaize | 1 |

VAN WERT.

| | |
|---|---|
| Washington | 1 |

GUERNSEY.

| | |
|---|---|
| Spencer | 1 |

CARROLL.

| | |
|---|---|
| Perry | 1 |
| Total number of symbols. | 2843 |
| Along the Ohio River on Kentucky and West Virginia banks | 41 |

### Summary.

In the entire State there are (records up to Jan. 30, 1897):

| | |
|---|---|
| Circles of earth | 143 |
| Squares of earth | 74 |
| Enclosures and fortifications of earth and stone | 279 |
| Series or groups of stone graves | 115 |
| Glacial kame or gravel knoll burials | 223 |
| Village sites | 174 |
| Tumuli of earth and stone | 1835 |
| Total | 2843 |

Warren King Moorehead.

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## APPENDIX.*

Total number of specimens added to the joint collections since the summary on page 255 was compiled, 9,500.

Total number of monuments added to the state archæologic map since January 30, 420.

More than 20 mounds have been explored by Mr. Loveberry. These will be described in the annual report of next year. W. K. M.

*July 1, 1897.

# ELEVENTH ANNUAL REPORT

OF THE

# OHIO STATE

# ARCHÆOLOGICAL AND HISTORICAL

# SOCIETY

FOR THE YEAR

FEBRUARY 19, 1895 TO FEBRUARY 18, 1896.

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GEN. R. BRINKERHOFF, President.
E. O. RANDALL, Secretary.

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COLUMBUS, O., JANUARY, 1896.

*To His Excellency,* ASA S. BUSHNELL, *Governor of Ohio:*

SIR: I have the honor to submit herewith the eleventh annual report of the Ohio State Archæological and Historical Society, covering the year from February 19, 1895, to February 18, 1896.

This report, while complete as to the more important proceedings of the Society, is made as concise as possible, and for the greater convenience of the reader, the chief items of interest are arranged topically. For the benefit of those not heretofore familiar with the Society, a brief statement of its history prefaces the regular report.

With very great respect, I remain,

Yours truly,

E. O. RANDALL, *Secretary.*

# OFFICERS

FROM FEBRUARY 19, 1895, TO FEBRUARY 18, 1896.

| | |
|---|---|
| Gen. R. Brinkerhoff, Mansfield, | *President* |
| Rev. Wm. E. Moore, Columbus, | *Vice President* |
| S. S. Rickly, Columbus, | *Treasurer* |
| Edwin F. Wood, Columbus, | *Assistant Treasurer* |
| E. O. Randall, Columbus, | *Secretary* |
| Warren K. Moorehead, Columbus, | *Curator* |

## TRUSTEES ELECTED BY THE SOCIETY.

### TERM EXPIRES IN 1896.

| | |
|---|---|
| Hon John Sherman, | Mansfield |
| *Maj. E. C. Dawes, | Cincinnati |
| †Prof. N. S. Townsend, | Columbus |
| Prof. G. F. Wright, | Oberlin |
| Rev. Wm. E. Moore, | Columbus |

### TERM EXPIRES IN 1897.

| | |
|---|---|
| Hon. Calvin S. Brice, | Lima |
| Hon. Elroy M. Avery, | Cleveland |
| Bishop B. W. Arnett, | Wilberforce |
| Mr. G. F. Bareis, | Canal Winchester |
| Mr. S. S. Rickly, | Columbus |

### TERM EXPIRES IN 1898.

| | |
|---|---|
| Gen. R. Brinkerhoff, | Columbus |
| Hon. M. D. Follett, | Marietta |
| Hon. D. J. Ryan, | Columbus |
| Rev. H. A. Thompson, | Dayton |
| Mr. R. E. Hills, | Delaware |

## APPOINTED BY THE GOVERNOR.

Mr. E. O. Randall, Columbus, 1896; Mr. A. H. Smythe, Columbus, 1896; Hon. Chas. P. Griffin, Toledo, 1897; Hon. A. Robeson, Greenville, 1897; Hon. W. J. Gilmore, Columbus, 1898; Mr. Israel Williams, Hamilton, 1898.

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*Deceased April 23, 1895.

†Deceased July 14, 1895.

# ELEVENTH ANNUAL MEETING.

The eleventh meeting (tenth annual) of the Society convened in the reading room of the State Library, Columbus, Ohio, February 19, 1895, General R. Brinkerhoff, the President in the chair and E. O. Randall, Secretary. There was the usual attendance. The minutes of the last (ninth) annual meeting of the Society were read and approved. As the report of the Executive Committee of the Trustees, which was next in order, the Secretary read the report which had been prepared by him in behalf of the Society and filed with Governor McKinley, as the official report to the State. This report was approved by the Society. The term of office of five Trustees, elected by the Society, terminated at this meeting. These Trustees were as follows: Gen. R. Brinkerhoff, Mansfield; Mon. M. D. Follett, Marietta; Dr. H. A. Thompson, Dayton; Hon. D. J. Ryan, Columbus, and Mr. R. E. Hills, Delaware. On suspension of the rules, these gentlemen were unanimously re-elected to serve for the ensuing three years, viz., 1895-1898.

A committee of three, viz., Dr. Moore, Mr. Bareis and Dr. Townshend, were appointed to wait upon Governor McKinley, present to him the greetings of the Society then in session and suggest to him that the sentiment of the Society was in favor of the re-appointment by him of the two Trustees whose terms expired at this time, viz., Judge W. J. Gilmore, of Columbus and Hon. Israel Williams of Hamilton. The committee at once performed its errand and reported that the Governor returned his compliments to the Society and stated he would be glad to reappoint those gentlemen as requested. He also expressed satisfaction over the work being accomplished by the Society.

The Society instructed the Secretary to keep a scrap book, to be the property of the Society, in which might be permanently preserved such historical articles as may come to his notice or be furnished him from members of the Society or others. The

Secretary explained the situation as to the Greenville celebration, that the Legislature (1893-4) had failed to make an appropriation for this purpose, but that he, the Secretary, was in correspondence with the Committee at Greenville and had pledged the co-operation of the Society, so far as it would be able to act.

Upon call for the report of the special committee, consisting of Messrs. Wm. E. Moore, E. F. Wood and E. O. Randall, appointed at the last annual meeting (Feb. 19, 1894) of the Society to revise the Constitution, the Secretary reported that owing to the lack of anything approaching a suitable constitution, the report contained practically a new constitution. The report of the committee was then read and after due consideration the new constitution was approved and adopted.*

On motion, meeting adjourned.

The meeting of the Society was immediately followed by the Annual Meeting of the Trustees.

### ANNUAL MEETING OF THE TRUSTEES.

The following Trustees were present: Messrs. Arnett, Bareis, Brinkerhoff, Gilmore, Hills, Moore, Randall, Rickly, Robeson, Smythe, Townshend. The officers elected to serve for the ensuing year, February 19, 1895, to February 18, 1896, were as follows: President, Gen. R. Brinkerhoff; Vice-President, Rev. Wm. E. Moore; Treasurer, Hon. S. S. Rickly; Assistant Treasurer, Edwin F. Wood; Secretary, E. O. Randall. In addition to the officers of the Society, who are ex-officio members, the following Executive Committee was elected: Messrs. Gilmore, Bareis, Ryan, Hills and Smythe. The organization of the new Executive Committee was completed by the selection of Rev. Wm. E. Moore, as Permanent Chairman and E. O. Randall as Secretary. Professor Warren K. Moorehead was elected Curator of the Museum and Mrs. Benigna G. Kalb Official Reporter of the Society. The Executive Committee determined the salaries of

* This new Constitution is printed in full in Volume IV. (1895) of the Society's publications, and is also published separately in pamphlet form and can be had on application to the Secretary.

the various officers. Meeting adjourned subject to the call of the Secretary.

In the evening the Society celebrated the tenth anniversary, the first decade of its history, with a banquet in the parlors of the Y. M. C. A. It was the most successful occasion of the kind ever participated in by the Society. Upwards of eighty sat down to the tastefully arranged tables. Gen. R. Brinkerhoff presided as Toastmaster.

The literary program was as follows:

Opening Address, . . . . . Gen. R. Brinkerhoff
"Our Society," . . . . . Hon. S. S. Rickly
"Relation of the O. S. U. to the O. A, and H. Society," . . . . . President Wm. H. Scott
"The Early Geologists of Ohio," . . . Prof. Edward Orton
"Woman as a Factor in Ohio Politics," . . . Mrs. J. A. Shawan
"Buckeye Folks,"—Recitation, . . . Miss Anne V. Culbertson
"Fort Ancient," . . . . . Judge W. J. Gilmore
"War Governors of Ohio," . . . . Gen. Geo. B. Wright
"The Pioneer Woman of Ohio," . . . . Mrs. Abram Brown
"Ohio's Congressmen During the War," . . Tod B. Galloway
"The Colored Man of Ohio," . . . . Bishop B. W. Arnett
"Archæology of Ohio," . . . . Prof. W. K. Moorehead
"Value of Personal History," . . . . Rev. Wm. E. Moore
"The Old Buckeye State,"—Soprano Solo, . Mrs. J. F. McNeil

## WORK OF THE EXECUTIVE COMMITTEE.

The Executive Committee has been most faithful, efficient and indefatigable in its supervision of the affairs of the Society, in its efforts to protect its interests, promote the objects of the Society and economically expend the funds placed at the disposal of the Society by the appropriation of the Legislature. The committee as a whole has met on an average once a month during the year, its sessions averaging some three hours in length. Every detail of the work in the Society has been directed by the committee or at least been carefully scrutinized by them. The committee has been subdivided into four committees, respectively, on Finance, Museum and Library, Fort Ancient and Publications. These sub-committees have held such meetings as their work required.

PUBLICATIONS.

In November, 1895, the Society issued the fourth volume of its publication, of documents and papers. This volume, comprising some five hundred pages with maps and illustrations is the most extensive work yet issued by this Society. It contains, besides much historical and biographical matter, all of the material prepared or collected by the Society concerning the Ohio Boundary Line Disputes. The style and value of the book speaks for itself and more than justifies the appropriation made by the State for the purpose. The amount allowed in the appropriation bill only permitted an edition of five hundred, but the work is in plates so that subsequent editions can be easily and cheaply produced. The Society has now published, not including the extensive report of the Society's exhibit at Chicago, 80 pages 1894—four volumes of interesting, valuable matter, pertaining to Ohio, its history, biography and archæology. Most of this material has been either originally prepared or exclusively preserved by the Society and the work of the Society in this line alone is sufficient reason for its being and for support by the State. These publications are in great demand by the leading historical societies and libraries, not only of the United States, but even those in Europe. These books are all in well preserved plates. Second editions have already been required of the first three volumes and no doubt a second edition of volume four will soon be demanded. Should the Legislature meet the request of this Society as to funds it is the intention to publish the forthcoming year, 1896, a volume containing the proceedings of the Centennials at Fallen Timbers 1894, Defiance 1894, Greenville 1895, and the forthcoming (1896) Centennials at Chillicothe and Cleveland. Also a volume on the land title history of Ohio — an historical abstract showing the title descent from the English grants to the Colonies down to the settlement of Ohio's present boundary.

EXCHANGES.

The Society is in constant correspondence with the other State Societies and the leading Historical Societies of the country. With all these a system of exchange of publications is established,

and a large and valuable library is in this manner being accumulated — a library which can be obtained in no other way, and which will be of inestimable interest and value to all who wish to consult this class of literature. The State of Ohio has been most negligent in collecting and preserving historical material pertaining to Ohio. Our Society is doing what it can to assist in accumulating an Ohio historical library.

### ARCHÆOLOGICAL DEPARTMENT.

This department of the Society has been under the direction of Prof. Warren K. Moorehead. Mr. Moorehead is a most accomplished scholar on this subject, the author of "Primitive man in Ohio," and a complete work on "Fort Ancient." Mr. Moorehead has done much in behalf of the Society in this line, the past year, and would have done much more had the Society been able to supply him with the deserved means.

## MR. MOOREHEAD'S REPORT.

[DEPARTMENT OF ARCHÆOLOGY]

MR. E. O. RANDALL, *Secretary of the Society.*

DEAR SIR: — Since my last report, made to you January 15th, 1895, we have received several valuable additions to the collections of the Society in Orton Hall. The first field work directly in the interests of the Society, has been accomplished in the examination of Southern Ohio Caves in search of evidences of the occupation of Ohio by Paleolithic Man.

Through the medium of exchange, and by purchase, the Curator secured 754 specimens from New England, Maryland, South Dakota, Missouri and Arkansas which he presented to the Society.

Mr. E. G. Swartzel presented a small but choice collection from Preble County.

Mr. Warren Cowan, who donated specimens last year gave another valuable collection. It is of particular interest, being found on and about the famous Serpent Mound by previous owners of that singular ceremonial structure during the years 1878-1885. There are some 200 objects in the exhibit.

EXPLORATIONS.

Eastern Museums, especially the University of Pennsylvania Museum, the Peabody Museum and the Bureau of Ethnology of Washington, have been much interested in the question: "Did paleolithic (glacial) man occupy Ohio?" Professor Andrews for the Peabody Museum did the only work along these lines in Ohio. He explored Ash Cave, in the Hocking Valley, four miles from Bloomingville in Hocking County. His report was published by the Peabody Museum.

The Society, largely through the kindness of Hon. Asa S. Bushnell, and two other gentlemen, undertook to make a preliminary survey of the caves and rock shelters, canons and gorges of Southern Ohio, with the object in view, that if the preliminary survey was favorable, extended explorations would be projected. Dr. Thomas Wilson, Curator of Prehistoric Anthropology in the Smithsonian Institution, kindly volunteered his services in directing the work among the Ohio caverns. Dr. Wilson, several university students, myself, and a number of laborers set out from Bainbridge, Ohio, about the 1st of July to explore the caves along Rocky Fork, a tributary of Paint Creek, in Ross and Highland counties. After completing the work on Paint Creek, the party examined caverns in Hocking county at several points.

We made a careful examination of several of the Bainbridge caves, and dug holes in about fifteen of those found in the Hocking valley. The cave, dirt, etc., is about ten feet deep. The excavation which we sank was four feet wide and fifteen feet long. In the large or "wet cave" the accumulation of dirt, etc., at the opening is 13 to 20 feet in depth and 120 feet in width. The expense of excavating this would be somewhat over $500.00. In the larger caves of the Bainbridge region small holes were sunk, but nothing of importance was discovered.

In the Hocking region the sand and dirt was scooped out of many of the caves, and although pieces of pottery and arrow heads and other flint implements were found in several caverns, there was no indication that more than one of the Hocking caves have been inhabited in glacial times. At Ash Cave we found a cavern some 80 feet in height, 100 feet in depth and 400 feet long.

Two hundred and fifty feet of this distance is covered by a deposit of ashes, ranging from 2 to 6 feet in depth. Picnic parties, relic collectors and others have pretty well dug over the entire deposit. However, we would recommend a thorough exploration. We understand from people living near the cave that three human skeletons have been found at 4 or 5 feet depth, and that several whole pottery vessels, a sack of seeds, and two or three pairs of sandals were exhumed by some gentleman from New York, but we could not ascertain his name.

We have excavated extensively in Ash Cave and found the relics of man very numerous throughout the ashes and the cave dirt on the floor. These relics consisted of small fragments of pottery, flakes and scales of flint, bones hardened or burned by fire, broken stones, arrow-heads, blocks of partly worked flint, bone awls, charcoal, burnt stone, etc. About 400 specimens were found in two days' digging.

We think from our examination that the cave was used as a habitation site for a considerable length of time, and that three or four burials were made in the sand at the back of the cave against the rear wall. The ashes covering the sand at the place of burial are about three feet in depth. We found a number of human bones at the rear of the cave, and from their state of preservation the skeletons uncovered by previous explorers must have been perfect. We understood that the sack of seeds buried with one of the individuals was of very coarse texture, and in size about 24 x 18 inches. The pottery is thin, made of local clays, and superior in texture to those usually found in Ohio. The decorations are simply incised lines cut with a sharp flint or pointed stick.

Dr. Wilson suggests that further explorations be carried on in the Hocking and Paint valleys before we either affirm or deny the existence of paleolithic man. He is of the opinion that the discoveries in Ash Cave prove its occupation by the red Indian or his immediate ancestor.

I believe that the thorough exploration of the large wet cave above Bainbridge, and also a number of caverns in a canon known as "The Gulf," some two miles from Ash Cave are of such im-

portance, that they should be undertaken by the Ohio Archæological and Historical Society.

### ARCHÆOLGIC MAP OF OHIO.

For more than one year we have been working upon a most important undertaking. Nearly all the European countries have maps (township) showing the location of every pre-historic ruin, mound, fortification and village site. Ohio has no such record and at the present rate of demolition, all our pre-historic monuments will soon be obliterated and no trace remain. So we undertook to have archæologists over the State co-operate with us in the recording of these various structures, and for that purpose we prepared township maps of every county. These were sent out together with a list of symbols representing the kinds, position, etc., of ancient remains. As these county maps come in we transcribe the marks to our large map. Thus we have nearly 3,000 recorded. We estimate there are at least 12,000 more in the State. In some localities we find as high as 20 mounds in one group.

An extensive correspondence has been established with local and foreign archæologists and collectors. We should have larger collections on hand to facilitate exchanges; also, funds to purchase valuable exhibits. It is imperative that we put a good survey into the field next spring and summer to compete with the Eastern Museums, as they are likely to carry East all of our most valuable antiquities. On the whole the Museum of the Society has done exceedingly well and shows a growth of fully 120 per cent. in the last 18 months over the preceding 7 years.

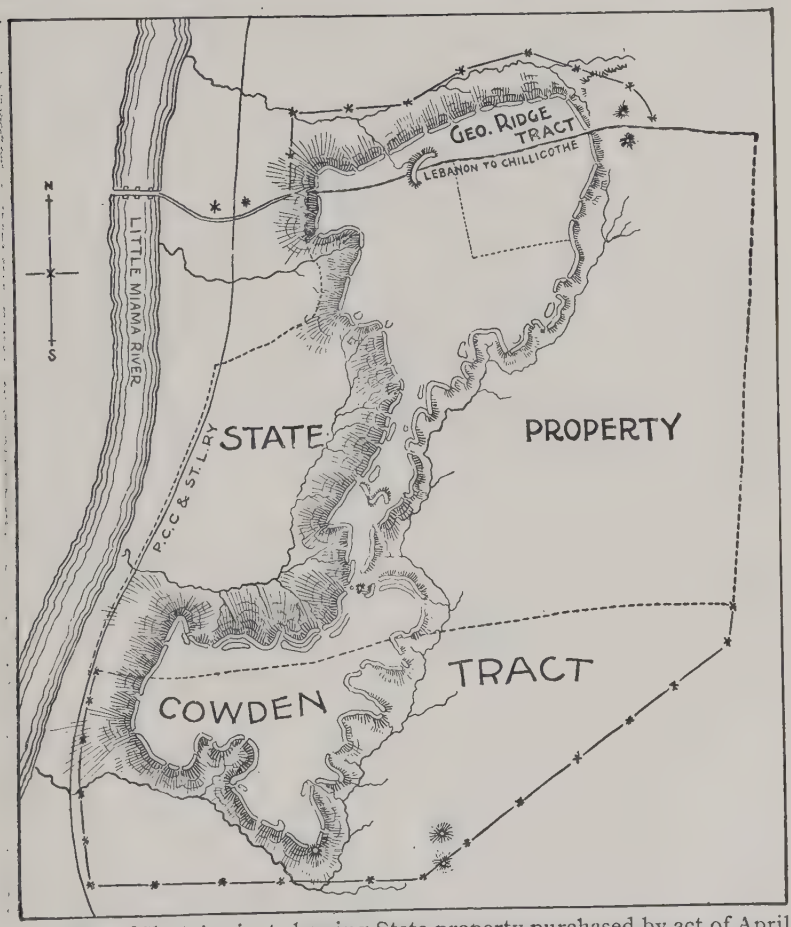
Respectfully submitted,

WARREN K. MOOREHEAD,
*Curator of Pre-historic Archaeology and Ethnology.*

December 30, 1895.

## FORT ANCIENT.

The Committee, with Rev. Wm. E. Moore as Chairman and Superintendent, having Fort Ancient in charge, have diligently and efficiently performed its work. The funds appropriated by the State for this special purpose have been judiciously expended.




Map of Fort Ancient showing State property purchased by act of April 28, 1890, and the portions the State should obtain to have complete possession. The tracts required are those of Geo. Ridge (12 acres) and A. Couden (60 acres).

Several visits to the Fort have been made by the Chairman and other members of the Executive Committee, and personal supervision has been given to the care and preservation of this prehistoric spot. An arrangement was entered into with Messrs. Moorehead and Cowan, the former the Curator of the Society, by which the enclosure within the embankment was thoroughly cleaned of all rubbish, underbrush, *debris* and dead wood; the washings were filled or checked and the entire grounds cleared into a park-like condition. A competent man was engaged to occupy the dwelling house at the entrance and guard the grounds from intruders. The embankment and enclosures have been protected by erection of barbed wire fences.

The legislature should not hesitate to continue its provisions for the care of this property, the largest, best preserved and most interesting, and probably most important relic of the ancient mound builders in this country. It is hoped the State will no longer delay obtaining possesion of that portion of the Fort which by mistake, in its previous purchase, it failed to secure. The State should be the sole and complete possessor of this property, and that before the part now owned by private parties is destroyed or irretrievably damaged. Of such interest to the archæologist is this Fort that models of it are made in some of the museums of Europe. It is becoming more and more an object of historical and archæological study on the part of scholars throughout the United States. It is also a most popular resort for pleasure seekers and should be a State park as well as a State relic.

## QUARTERS FOR THE SOCIETY.

The great need of the Society is adequate quarters for the placing of its property and facilities for its work. The Society is now located in the Orton building of the Ohio State University. The University authorities have granted every accommodation they can, but cannot spare what we positively need. Our museum is upon the second, or gallery floor of the Orton Museum, in inaccessible and cramped quarters. Our library is mostly packed in boxes in the basement rooms of the same building, while we have no office facilities or reading room. The State of Ohio can-

not afford to ignore its Historical and Archæological Society. The State, if it is not ready at this time to erect a building especially for the use of the Society, should at least remember the Society to the extent that it grant the Ohio State University such buildings as the University needs, with ample accommodations in one of them for the exclusive occupancy of the Society. Many valuable donations of books, documents and specimen collections are only waiting to come to the Society when it has quarters to receive them. The Society has grown in the value of its work and its reputation till it is recognized as in the front rank of similar State societies, and our great State cannot do otherwise than liberally promote its progress. No well regulated or self-respecting State in the Union is without an Historical Society, more or less fostered by the State. Even the western and newer States, with nothing like the need or field for such an agency as Ohio has, liberally care for their State societies. For instance, Nebraska, last year gave its society, if I am correctly informed, $4,500.00; Kansas, $5,680.00, and Wisconsin, $12,000.00. No State can surpass Ohio for wealth of material in the line of Archæology, Biography and History. The Ohio State Archæological and Historical Society is the only State agency for the collecting and preserving of this wealth. It should be afforded every means and facility required for the full accomplishment of its purpose.

Respectfully submitted,

E. O. Randall, *Secretary.*

By order of the Executive Committee.

## TREASURER'S REPORT.

### FEBRUARY 1, 1895 TO FEBRUARY 1, 1896.

RECEIPTS.

| | |
|---|---|
| Balance on hand February 1st, 1895, | $155 69 |
| Received from Life Members, | 145 00 |
| Active Members, | 124 00 |
| Banquet tickets (1895), | 67 00 |
| Subscriptions, | 4 00 |
| Sale of mileage book, | 6 00 |
| Rental of Fort Ancient, | 200 00 |
| State Treasurer, | 3,369 71 |
| Interest on Permanent Fund, | 23 80 |
| Contributions for Cave Explorations, | 63 95 |
| Rebates (E. O. Randall and E. F. Wood), | 15 47 |
| Total, | $4,174 62 |

DISBURSEMENTS.

| | |
|---|---|
| Reprinting Volume 3, | $500 00 |
| Publishing Volume 4 (on account), | 450 00 |
| Job Printing, | 54 35 |
| Work at Fort Ancient, | 400 00 |
| Committee Expenses account Fort Ancient, | 33 45 |
| Stenographer, | 151 40 |
| Second installment State Archæological Map, | 25 00 |
| Postage, | 43 35 |
| Salaries — Secretary, Curator, Asst. Treasurer, | 1,311 65 |
| The "Archæologist," | 250 00 |
| Cave Explorations, | 63 95 |
| Advertising, | 12 50 |
| Banquet (1895), | 75 50 |
| Express and Drayage, | 30 24 |
| Stationery and Supplies, | 21 86 |
| Sundry Expenses, | 27 54 |
| Transferred to Permanent Fund, | 395 00 |
| Balance in hands of Treasurer February 1st, 1896, | 328 82 |
| | $4,174 62 |

Respectfully submitted,

S. S. RICKLY, *Treasurer.*

# TWELFTH ANNUAL REPORT

OF THE

# OHIO STATE

# ARCHÆOLOGICAL AND HISTORICAL

# SOCIETY

FOR THE YEAR

FEBRUARY 18, 1896 TO FEBRUARY 1, 1897.

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GEN. R. BRINKERHOFF, President.
E. O. RANDALL, Secretary.

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COLUMBUS, O., JANUARY, 1897.

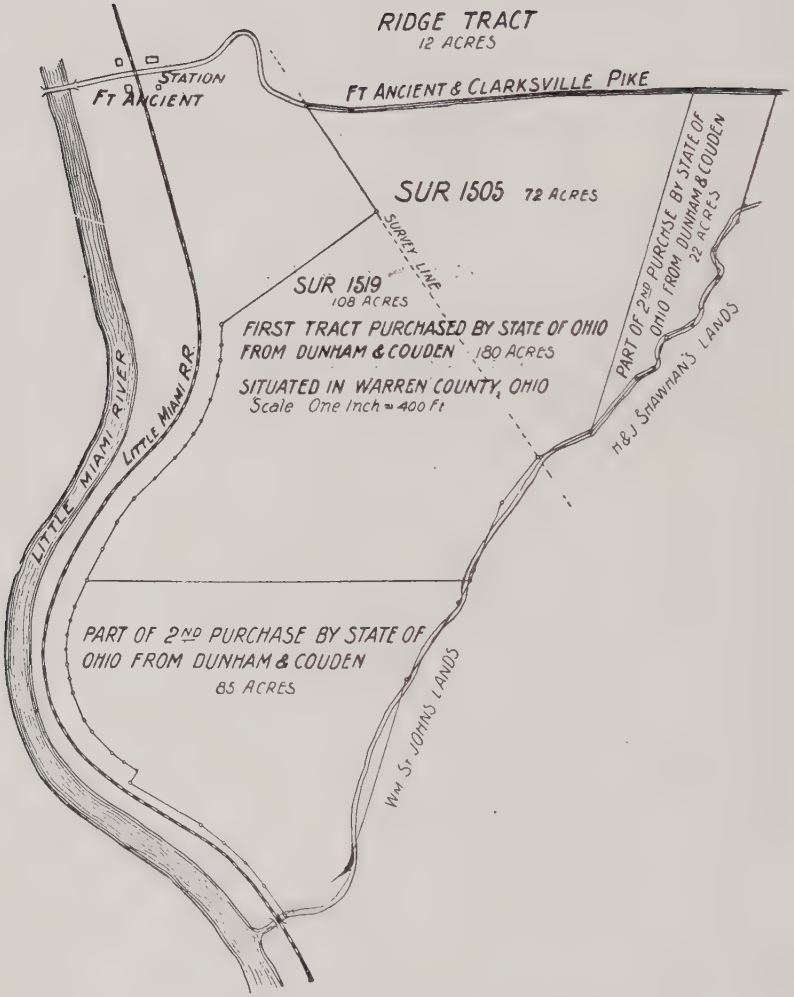


Diagram of Fort Ancient Showing Portions Purchased by the State.

*To His Excellency, Asa S. Bushnell, Governor of Ohio:*

SIR:—I have the honor to submit herewith the twelfth annual report of the Ohio State Archæological and Historical Society, covering the year from February 19, 1896, to February 1, 1897.

This report, while complete as to the more important proceedings of the Society, is made as concise as possible, and for the greater convenience of the reader, the chief items of interest are arranged topically. For the benefit of those not heretofore familiar with the Society, a brief statement of its history and objects follows the regular report.

With very great respect, I remain,

Yours truly,

E. O. RANDALL, *Secretary.*

# OFFICERS

FROM FEBRUARY 18, 1896 TO FEBRUARY 1, 1897.

| | |
|---|---|
| Gen. R. Brinkerhoff, | *President* |
| Rev. Wm. E. Moore, D. D., LL. D., | *Vice President* |
| Hon. S. S. Rickly, | *Treasurer* |
| Edwin F. Wood, | *Assistant Treasurer* |
| E. O. Randall, PH. B., LL. M., | *Secretary* |
| Prof. Warren K. Moorehead, | *Curator* |

## TRUSTEES ELECTED BY THE SOCIETY.

### TERM EXPIRES IN 1897.

| | |
|---|---|
| Hon. Calvin S. Brice, | Lima |
| Hon. Elroy M. Avery, | Cleveland |
| Bishop B. W. Arnett, | Wilberforce |
| Hon. S. S. Rickly, | Columbus |
| Mr. G. F. Bareis, | Canal Winchester |

### TERM EXPIRES IN 1898.

| | |
|---|---|
| Gen. R. Brinkerhoff, | Mansfield |
| Hon. M. D. Follett, | Marietta |
| Hon. D. J. Ryan, | Columbus |
| Rev. H. A. Thompson, | Dayton |
| Mr. R. E. Hills, | Delaware |

### TERM EXPIRES IN 1899.

| | |
|---|---|
| Hon. John Sherman, | Mansfield |
| Prof. G. F. Wright, | Oberlin |
| Rev. Wm. E. Moore, | Columbus |
| Hon. John B. Peaslee, | Cincinnati |
| Mr. A. H. Smythe, | Columbus |

## APPOINTED BY THE GOVERNOR.

Hon. Charles P. Griffin, Toledo, 1897; Hon. A. Robeson, Greenville, 1897; *Hon. W. J. Gilmore, Columbus, 1898; Hon. Israel Williams, Hamilton, 1898; Hon. Alexander Boxwell, Red Lion, 1899; Hon. E. O. Randall, Columbus, 1899.

*Deceased August 9, 1896.

# TWELFTH ANNUAL MEETING.

For important reasons it was found necessary to postpone the eleventh annual meeting of the Society from the date then provided in the Constitution, viz. the third Tuesday in February until February 27 (1896). On that day the twelfth meeting (eleventh annual) of the Society convened in the Library Room of the State Capitol, Columbus, Ohio, at 2 P. M., with General R. Brinkerhoff, the President, in the chair, and Mr. E. O. Randall Secretary. The following members were present:

George F. Bareis, Canal Winchester; A. R. McIntire. Mt. Vernon; J. H. Todd, Wooster; F. O. Hart, West Unity; J. L. Oldham, Reynoldsburg; Israel Williams, Hamilton; R. E. Hills, Cyrus Platt, Delaware; M. D. Follett, Marietta; B. W. Arnett, Wilberforce; J. C. Reeve, H. A. Thompson, Dayton; W. K. Moorehead, L. C. Herrick, W. H. Jennings, D. H. Gard, J. H. Anderson, George B. Wright, William E. Moore, John J. Janney, E. O. Randall, Benigna G. Kalb, Edwin F. Wood, A. H. Smythe, Frank Howe, Rutherford Hayes, Charles Parrott, Harry P. Ward and James Kilbourne, Columbus.

The minutes of the last (tenth) annual meeting (February 19, 1895) of the Society were read and approved. The concise report of the Executive Committee to the Governor of the State, which had been prepared by the Secretary, was presented as the report of the Excutive Committee to the Society, and was received and approved as such. The Secretary stated the following life members had died during the year, viz: Gen. E. C. Dawes, of Cincinnati; Hon. Allen G. Thurman, of Columbus; Prof. N. S. Townshend, of Columbus, and A. A. Graham, late Secretary of the Society.

In regard to the "Archæologist," which had for the year 1895 been the official organ of the Society, the Secretary explained that September 1895, the "Archæologist" had been sold

by its proprietors to The Popular Science News Company of New York, and merged into that publication. This last named company had assumed and continued the contract of the "Archæologist" with this Society until the expiration of said contract January, 1896, when it was thought best not to renew said contract, and the Society now has no official publication.

In the matter of the Greenville Centennial celebration, (August 1895), the Secretary stated that as the Legislature had failed to make the appropriation necessary to enable the Society to participate in that event, it was, of course, unable to take part as a Society. However, Judge W. J. Gilmore, on behalf of the Society, had delivered an address on the occasion of the celebration, which had reflected great credit on the Society, and which had been published. Dr. H. A. Thompson was also present at the centennial as a representative of the Society.

On motion of Mr. Rickly, the President, Vice President and Secretary were made a committee to prepare and enter upon the minutes of the Society suitable memorials of life members deceased during the past year.

The election of trustees was then taken up, five to be elected. On motion a nominating committee, consisting of Messrs. Bareis, Wood and Randall, was appointed to nominate to the Society. The report of this committee was unanimously adopted, with the following result: Hon. John Sherman, Mansfield, Professor George F. Wright, Oberlin, and Rev. William E. Moore, Columbus, whose terms expired at this time, were re-elected to succeed themselves for the following three years, to February, 1899, and Hon. John P. Peaslee, of Cincinnati, and Mr. A. H. Smythe, of Columbus, were elected to succeed Major E. C. Dawes and Prof. N. S. Townshend, deceased. The terms of Messrs. Peaslee and Smythe being also for three years from date of election until February, 1899.

The terms of A. H. Smythe and E. O. Randall, appointees by Gov. McKinley, expired on February 18, 1896, and Gov. Bushnell appointed E. O. Randall to succeed himself for three years ending February, 1899, and the Hon. Alexander Boxwell to succeed Mr. Smythe. Mr. Boxwell's term to be also for three years ending February, 1899.

Upon inquiry the Secretary made a report of the efforts made by the Executive Committee towards securing a proper appropriation for the Society from the Legislature, the gross amount asked for being $5,000.00, which amount it was believed the Legislature would grant.

On motion of Mr. Williams, seconded by Dr. Moore, the Executive Committee were instructed to use such means as they might find advisable for increasing the membership of the Society, and especially to bring the work and aims of the Society to the attention of the colleges and various other institutions of learning throughout the State.

The following amendment to Article V, Section 1, of the Constitution, proposed by Mr. Wood, was adopted, viz.:

"SEC. 1. The annual meeting of the Society shall be held in the City of Columbus at such time during the month of February of each year as the Executive Committee may select. Due notice of the meeting shall be mailed to all members at least ten (10) days before the said meeting is held."

Mr. Bareis offered the following amendment to Article III, Section 3, of the Constitution, which was adopted, making said section read as follows:

"SEC. 3. There shall be an Executive Committee, which shall consist of the President, Vice President, Secretary and Treasurer, and not less than five other members as the trustees shall select from their own number. Five members of said committee shall constitute a quorum for the transaction of business. The Executive Committee shall have full power in the interim to conduct and administer the affairs of the Society."

A committee consisting of Messrs. Bareis, Moore and Thompson were appointed to await upon the Governor and extend to him the congratulations and good wishes of the Society. Upon their return they reported a pleasant and satisfactory call upon the Governor, that he returned greetings to the Society, that it had his good wishes and would have his cordial attention and support.

The business portion of the meeting having been concluded, Mr. Cyrus Platt, of Delaware, read a paper narrating the jour-

neyings of Col. James Kilbourne and companion from Connecticut to Ohio in the year 18—. This paper proved of much interest to his listeners, a number of citizens of Columbus, not members, being present. On motion a vote of thanks was tendered Mr. Platt for his paper, and he was asked to deposit the same with the Secretary of the Society for preservation with the documents of the Society.

Mr. Warren K. Moorehead, Curator of the Society, made a detailed statement of what had been done in the way of field work for the Society during the past year, and what it was desired to accomplish during the coming year. Following this a most entertaining paper was read by Mr. J. J. Janney, relating the adventures of one of his ancestors, who had been a prisoner of the Indians during the early period of Ohio's history. The paper was listened to with evident interest and appreciation, and upon motion Mr. Janney was tendered a vote of thanks and asked to furnish the Secretary with a copy of the paper for preservation.

On motion meeting adjourned.

The meeting of the Society was immediately followed by the annual meeting of the trustees.

### ANNUAL MEETING OF THE TRUSTEES.

The following trustees were present: Messrs. Arnett, Bareis, Brinkerhoff, Follett, Hills, Moore, Randall, Rickly, Smythe, Thompson, Williams. General Brinkerhoff was selected as temporary chairman, and Mr. Randall chosen temporary secretary. The officers of the Society elected by the trustees to serve for the ensuing year from date of February 27 were as follows: President, R. Brinkerhoff, Mansfield; Vice President, William E. Moore, Columbus; Secretary, E. O. Randall, Columbus; Treasurer, S. S. Rickly, Columbus; Assistant Treasurer, E. F. Wood, Columbus. In addition to the officers of the Society, who are ex officio members, the following Executive Committee was selected: Messrs. Bareis, Gilmore, Hills, Ryan, Smythe, Arnett.

On motion the matter of compensation to the officers and

other agents found necessary to be employed, was referred to the Executive Committee with power to act.

The Executive Committee adjourned to meet on the morning of the 28th.

### THE ANNUAL BANQUET.

On the evening of February 27, following the custom of the Society in closing their annual session with a banquet, a most interesting and enjoyable dinner was given at the Neil House. About eighty ladies and gentlemen were seated at the board, which was graced by the presence of Governor and Mrs. Bushnell, Speaker D. L. Sleeper, Senator and Mrs. Ely, Auditor and Mrs. W. D. Guilbert, Senators Garfield, Whittlesey, Mayor C. C. Waddle of Chillicothe, Drs. Gladden and Canfield and other distinguished guests, Governor and Mrs. Bushnell occupying the place of honor at the head of the table. Secretary E. O. Randall acted as toastmaster.

Hon. D. M. Massie, who was to have responded to the toast, "The Chillicothe Centennial," was unavoidably detained in that city and Mayor C. C. Waddle filled his place in a very creditable manner.

President Roeliff Brinkerhoff began the evening's oratory in an admirable brief address which deserves preservation and is here given in full.

### PRESIDENT BRINKERHOFF'S ADDRESS.

I congratulate the members and friends of the Ohio Archæological and Historical Association upon the very encouraging conditions under which we have met to hold our annual meeting and participate in our annual banquet.

It is now twenty-one years since the Archæological and Historical Association had its beginning. For the first ten years it was the Archæological Association alone, and did a good work, and then for eleven years as the Archæological and Historical Association it did a larger work, and now at last, upon its arrival at the mature age of twenty-one, like a young man who has reached his majority, it is prepared to go forth with more aggressiveness than ever before.

More than ever before, I am sure, the people of Ohio appreciate the importance of preserving the memorials of its greatness, whether historic or prehistoric; often in both directions it is unsurpassed by any State in the Union.

For unknown centuries the area of land known as the State of Ohio has been one of the most favored portions of the earth for the support and comfort of the various races who have come and gone.

Centuries ago it was the dwelling place of great nations, and their memorials in the form of mounds and fortifications, implements of war and warships, are scattered all over the State. To our shame and sorrow it must be said that, in the preservation and study of their memorials, other States have done more than we have ourselves.

Six months ago, in one single collection, in the city of Salisbury, England, I saw a museum of Ohio Archæology more representative in its character than all our Ohio collections put together. It was the famous Squire and Davis collection described in the first volume of the Smithsonian publication, and was purchased by William Blackmore in 1864, for less than it cost to gather it, and is now preserved in a fireproof building erected for that purpose, and is now known as the Blackmore Museum.

All over Europe are spoils from Ohio hunting grounds. So also in the collections of other States, and especially in the great collection of the Smithsonian institution in Washington.

As with prehistoric, so with later years. in what is known as the historic period, we have been negligent of our duties, and have not preserved such record of events as we should have done.

Nations like men grow in strength and wisdom by accumulating experiences, and not to do this is to remain stationary or to lapse into barbarism. Another element of growth is the possession of inspiring ideals, and that nation is greatest when ideals are the highest, and ideals to be effective must be embodied in a life.

Under these circumstances it becomes the highest duties of a State to preserve a record of its noblest men for the inspiration of future generations.

No State in the Union has furnished nobler men or nobler

deeds than the State of Ohio, and not to preserve a record of them is an outrage upon posterity.

To preserve these records is what the Ohio Archæological and Historical Society is trying to do.

We have done something already, but we want to do a great deal more, and we appeal to the people of Ohio, and to the Legislature of Ohio to help us.

It is true there are local institutions which have done good work, and of these the Western Reserve Historical Society deserves high commendation, but no local society, with only local support, can do what ought to be done for the State.

Our Society is already a State institution, and in its government the State is represented by six trustees, appointed by the Governor, and we have received assistance from the State, but it is not sufficient for the work that ought to be done.

What we need very much, and what we ought to have in the near future, is a fireproof building for the preservation of historic and prehistoric relics.

In Wisconsin a few years ago the State appropriated $180,000 for such a building in addition to the annual amount for its ample support, and it is the only State west of the Alleghenies that has done so well.

We believe that the people of Ohio would approve similar action, and the sooner it is done the better.

It is true we can go forward on small appropriations, and accomplish something, but the great State of Ohio, the greatest in the Union, ought not to be satisfied with small things.

"To him that hath shall be given" is a declaration especially applicable to such an institution as ours, for it grows like a snowball, and the bigger it gets the larger is its attractive force.

Such a building as we desire would bring to it in contribution in a single year more than its actual cash value.

These contributions would come in the way of archæological collections, in historic documents, in books, in pamphlets and in many other things of historic value, which are now scattered all over the State, waiting for a permanent resting-place in a

fireproof building under the permanent direction and protection of the State government.

In conclusion let me urge upon all who are interested in our cause to do what they can to bring about the conditions we desire.

RESPONSES TO TOASTS.

Mr. Randall was the next speaker. About three years ago, he said he was unexpectedly called into the presence of Governor McKinley, who requested from him information as to the nature and purpose of the Archæological Society; to the Governor he had explained in as "lucid and luminous" a statement as possible, that it was a society for the preservation of the "bric-a-brac" of his administration; among a portion of that bric-a-brac Governor Bushnell was now seated. Mr. Randall, in a fitting speech, then introduced Governor Bushnell, who spoke as follows:

He thanked the Society for the cordial greeting extended to him. He said he felt as the boy did at the revival. The minister requested all who wanted to go to heaven to stand up, and all except one good-sized boy arose. He then requested all who wanted to go to the other place to stand up. No one responded, and puzzled as to the action of the boy who had both times remained sitting, he asked him why he had done so. The boy replied that he didn't want to go to either place, that Ohio was good enough for him, and that was just the way he felt about it himself.

He was pleased with the bric-a-brac of his administration. We all love Ohio, he continued, for what she was, for what she is, and what she has in promise. Another thing we love Ohio for is that she has furnished men for every occasion, whether in war or peace, referring to the men whom she had sent to battle, and the indomitable leaders she gave to them, Grant, Sherman and Sheridan, and now she is to contest the title of the "Mother of Presidents" with her sister State of Virginia, and the people of the State will not object to Ohio furnishing another President of the United States in the person of Governor McKinley.

President Brinkerhoff, who is a Democrat, remarked that

they were going to run Campbell, which sally interrupted the address of the Governor by the round of laughter which followed from those present. The Governor replied by relating an appropriate story.

One of the most important features of the Ohio of the present was the enlargement of the capital building in this city. He suggested the building of a wing on the south for the accommodation of the Supreme Court, and later a wing on the north for additional offices, another story over the center, and finally a handsome dome surmounting all. He thought the improvements could be made for $2,500,000, and hoped some plan would be arranged by which the amount could be raised within the next year. He predicted an improved condition of the people and institutions of every character that would make Ohio a good State for any man to select as his home, and thus closed a characteristically happy address.

"Early Politics and Politicians in Ohio," was next discussed by Hon. D. J. Ryan. Mr. Ryan said that the politics of the day, the partisanship and the men who mingled in them were far advanced from their condition in the early days. He reviewed in a somewhat humorous manner the political history of the State from its inception up to the present time, and the bitter partisanship that was injected into the contests of bygone days as compared with politics of the present, and closed with the assurance that the people and the character of politics were both growing better.

The next address was delivered by Gen. George B. Wright on "The Railroads and Telegraphs in Ohio." He gave an interesting review of the history and growth of the railroads in the State, and the regulations and customs that governed their construction and operation in the early days. With a striking comparison of the mechanism and speed of the railroad trains of the present day and a short history of the telegraph, he closed a most entertaining address.

The Historical resources of the Hocking Valley were most ably and entertainingly recounted by Hon. D. L. Sleeper, who selected as his subject, "The Hocking Valley as a Field for Historical Research."

In opening his address he entered a vigorous protest against the name by which the beautiful and picturesque valley was called. It was a misnomer, the proper name being Hock-hocking Valley, a beautiful Indian name, which means "a bottle," and having been reared upon that bottle he would insist upon proper respect and deference.

The Hock-hocking Valley was prolific in historical relics. Within a few miles of Athens were a number of mounds of great symmetry and beauty. Abounding in the beautiful valley were abundant relics of the ancient inhabitants who had made the valley their home. In that valley is found the oldest city of the State, Marietta; the oldest inland city of the State, Athens; the first college that was established in the State and the first library that was founded. It was organized February 7, 1804, and was called the Coon Skin library from the fact that it was founded and sustained from the sale of the fur of wild animals. Mr. Sleeper closed with a short reference to the legends and historical events connected with the Valley.

Rev. William E. Moore next spoke interestingly upon "The Treasures of Fort Ancient." He said that while a number of archæological specimens had been taken from the fort, the principal treasure of the fort was the fort itself, which had remained almost without evidence of change during the many years it had been cultivated. He advanced the theory that the fort was constructed for military defense by the prehistoric inhabitants of the State. It seems that when the State purchased the fort, a number of acres were left outside the fort, though from what reason was not known, and he strongly advocated the purchase of that portion of the structure without the possession of the State.

Mayor Waddle, in responding to the toast, "The Chillicothe Centennial," for Hon. D. M. Massie, expressed for Mr. Massie his deep regret at being denied the pleasure of attending the banquet and called the attention of the assemblage to the coming centennial celebration of the city of which he was the representative. He referred to the history of Chillicothe, its interest to the student of history, the illustrious men who reposed within its churchyard and closed with an invitation to the Society and those present to attend the coming celebration.

Hon. James R. Garfield delivered a happy speech in his response to the toast, "Importance of History in the Schools and Colleges of the State." In opening his address he said that he could not determine why when a man entered politics and was elected to office that the title "Hon." was prefixed to his name. Men followed the ordinary pursuits of life, but the title was never conferred upon them, and the logical deduction was that politics was synonymous with honor and the distinction followed naturally. The Society had shown great foresight and sagacity in inviting a number of members of the Legislature to the banquet and then, after the inner man had been thoroughly satisfied, to have delicately intimated that they too wanted an appropriation. Reverting to the subject of his address, Mr. Garfield discussed its influence upon the formation of the character in school children and the benefit that would accrue to them when they were men and women.

Following Mr. Garfield Mr. John J. Janney spoke upon "Do Any of the Earthworks of the Moundbuilders Have Any Military Significance?" He was skeptical as to the positive statements in regard to the significance attached to the relics unearthed and the mounds in the State and contended that all explanations offered for their presence or assertions as to their builders, or the age of their existence was the merest speculation, for the period of their creation antedated the country's history. In speaking more particularly of the text of his address he controverted the statement of Rev. Mr. Moore, that Fort Ancient was constructed for warlike purposes. In argument he said that the inhabitants at that time did not fight in a manner that would require fortifications of that nature and to his mind such works were more closely associated with the sports and pleasures of the race, and that the purpose of the mounds, the date of the race and the date of their departure was merely guesswork.

Dr. Washington Gladden followed with an eloquent and masterly address upon "Life of the People in History." He began his address by saying that one of the strong proofs of the rise of the people can be found in history. It was not long ago that historians were occupied with camps and courts, warriors

and lawyers, slayers and tax eaters. Of late years history has taken on a new phase. The first instance of this change was given to the world by Macaulay, which was followed by a succession of more signal illustrations of this new development up to the present time. There was yet unfilled great opportunity for further development in historical research and compilation along the lines of State education, canals and railroads, the economic history of the State, its depressions and the remedies which had been applied to their correction. The life of the people of the State and country was an inexhaustible source of information and instruction. A study of history was necessary to the advancement of the people, who were the coming kings, and nothing would elevate them more than an interest in and study of their own history.

In beginning his address upon "Relations of the O. A. & H. S. to the O. S. U.," Dr. James H. Canfield entertained the guests with a number of well-told and humorous stories that immediately placed him in the best of favor with his hearers. Reverting to the subject of his address, he said that it was with great regret that he saw the absence of the proper interest that should be manifested in the work of the Society, but thought that the right course to enlist this interest had not been followed. Not that he meant to criticise the work of the Society, but that other plans could be employed with, in his mind, greater results. The present generation was too busily employed with the other cares of life, the responsibility was too great, and the pressure too constant to permit of the proper attention being paid to the Society and its mission.

We must look for the increased interest in archæological research in the generation to come, and the work of establishing this must be undertaken at once, and through the medium of the schools of the State. The initial step should be taken by inspiring in the student a spirit of inquiry into historical subjects by requiring him to trace out the history of his home, his school, his city, and gradually broadening the scope until it embraces the objective point. History, in his opinion, had always been taught backward; teachers had always begun with ancient his-

tory and followed its instruction until the immediate history of a scholar's country was reached and there it stopped, probably from the fact that it was supposed that he either knew of it himself, or it was not of sufficient importance to merit the time expended in its teaching. This, he contended, was the most important feature of history and should be taught before any of the other branches. He advocated the offering of prizes by the Society for answers upon the subjects of archæological research to the pupils of the schools and colleges of the State, and predicted most gratifying results from the plan.

Referring to the university, he said that it was and should be the Mecca of every great task in literature or other branch of mental attainment, and he hoped to see the day not far off when there would be a library building built by the State, or the public spirit of its citizens, should occupy the center of the campus and that therein should be combined the magnificent library of the university and the works and collection of the Archæological Society. Whether one of the statesmen present would act upon the suggestion he did not know, but said that it would be one of the happenings of the near future.

The following guests were present: Governor and Mrs. Bushnell, Judge and Mrs. Spear, Dr. and Mrs. Edgar Hatton, Mr. and Mrs. B. D. Hills, Hon. and Mrs. F. S. Monnett, Dr. L. C. Herrick, Frank Henry Howe, D. C. Baldwin, Mrs. Hartsough, Hon. Tod B. Galloway, John J. Janney, Mr. and Mrs. H. E. Barlow, Mr. and Mrs. Frank E. Kalb, Hon. and Mrs. W. D. Guilbert, Miss Clara Howe, William G. Pengelly, A. H. Smythe, Miss Rita Randall, Miss Nellie Hayden, Hon. D. J. Ryan, W. H. Jennings, Col. J. Linn Rodgers, Prof. Warren K. Moorehead, Mr. and Mrs. E. F. Wood, Mr. and Mrs. M. E. Lovejoy, Professor and Mrs. J. A. Shawan, General George B. Wright, Rev. A. A. E. Taylor, Dr. and Mrs. William E. Moore, President James H. Canfield, Dr. and Mrs. Washington Gladden, Dr. Gard, Dr. C. C. Shepherd, Hon. C. C. Waddle, Chillicothe; Israel Williams, Hamilton; Senator Whittlesey, Senator James R. Garfield, Mentor; General Roeliff Brinkerhoff, Mansfield; Cyrus Platt, Delaware; Mr. and Mrs. J. H. Todd, L. Backus, Bishop B.

W. Arnett, Wilberforce; Rev. H. A. Thompson, Dayton; Gerard Fowke, Hon. D. L. Sleeper, Athens; R. D. Jacobs, Senator and Mrs. Ely, Mr. and Mrs. G. F. Bareis, Canal Winchester; Mr. and Mrs. R. E. Hills, Delaware; Mr. and Mrs. E. O. Randall.

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## PURCHASE OF FORT ANCIENT.

As the records of the Society kept by the previous Secretary contain little or no account of the first purchase of Fort Ancient, a detailed statement is here made, that it may be permanently recorded.

In order that the property of Fort Ancient, then in the hands of private parties, might be properly preserved by the State, at the earnest solicitation of the Society, the Legislature on April 28, 1890, passed an act known as Senate Bill 308 "To provide for the preservation of Fort Ancient." The provisions of this bill were as follows:

### FIRST PURCHASE.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That for the purpose of preserving the prehistoric earthworks known as Fort Ancient, situate in Warren county, Ohio, a committee of five shall be appointed, two by the President of the Senate, two by the Speaker of the House of Representatives, and one by the Attorney General. Said committee are hereby authorized in behalf of the State, to purchase for the State the lands upon which Fort Ancient are (is) located, or so much thereof as may be necessary, to include all, or the most important part of said works, not less than one hundred and eighty acres in the aggregate, at a price not exceeding forty dollars per acre. Such purchase shall be approved by the Governor and the Attorney General of the State. The title to such lands must be approved by the Attorney General of the State before the same is accepted, and when accepted shall be conveyed to the State of Ohio, and the deed thereof shall be duly recorded and deposited with the Auditor of State.

SEC. 2. That for the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the treasury, and not otherwise appropriated, to the credit of the general revenue fund, the sum of seven thousand two hundred dollars, or so much as may be necessary to purchase said lands.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

WILLIAM V. MARQUIS,
*President of the Senate.*

Pursuant to this act, a committee of the Legislature and of the Society visited the property, and it was subsequently purchased, the deed of the grantors to the State being properly accepted by the State authorities on May 11, 1891, but it developed that the State, either through some misunderstanding of the committee acting for the State, or of the immediate parties between whom the negotiations were perfected, failed to purchase the entire property of the Fort, and the State came into possession of only one hundred and eighty acres, embracing the central portion of the Fort, and a strip of land immediately east of the center of the Fort, and leaving unpurchased the south end of the Fort and the north end, known as the Couden and Ridge tracts respectively.

SECOND PURCHASE.

Since the time of the first purchase (May 1891) the Society has urged the Legislature to make a sufficient appropriation to secure the remainder of the Fort. The Seventy-second General Assembly upon a presentation of this matter by the Secretary of the Society, made an appropriation (April 16, 1896), in the general appropriation bill, of the sum of $5,200 (see 92d Ohio Laws, 174), for the "purchase of remaining portion of Fort Ancient." This sum was deemed sufficient at the time, as at the same price per acre paid for the previous tract, it would secure the remaining portions that were desired, and land at this date (1896), if changed at all, was thought worth less than a few years

ago. Upon an attempt by the Secretary and a committee to negotiate with the owners for the portions desired, it was found that the Couden strip, at the south end of the Fort, consisted of 85 acres embracing the Fort proper, and some 22 acres immediately east of and without the center of the Fort. This property the proprietors would not part with at a price less than fifty dollars an acre, or $5,200 for the entire amount consisting of one hundred and five acres more or less. As to the strip at the north end, consisting of some twelve acres, known as the Ridge property, it had been purchased, as was claimed, by a corporation for the purpose of erecting thereon a summer hotel, plans for which had been drawn and advertisements for the sale of lots adjacent to the hotel, published in various papers. This company, known as the Fort Ancient Hotel Company, demanded some three thousand dollars for the property, with the prospective privilege of completing the hotel. The securing of the Ridge property on such a basis by the Society, for the State, was of course out of the question, and negotiations proceeded no further with those parties. After due consultation by the Secretary of the Society with the Auditor of State and the Attorney General, it was decided that in accordance with the opinion rendered by Attorney General Monnett, the State, through the Society, could, under the provisions of the appropriation, purchase the Couden tract, expending therefor the total amount appropriated ($5,200), and leaving the Ridge tract still unpurchased. This purchase was accordingly made, the abstract and deed for the Couden tract being approved by the proper State officers, December 5, 1896. This purchase is indicated on the plat, a copy of which is herewith printed. This leaves unpurchased the Ridge tract of about twelve acres immediately north of the Fort Ancient and Clarksville pike, and embracing the embankments at that end of the Fort. In addition to this, during the negotiations made for the purchase of the Couden tract, it was discovered that there is about one acre of land cutting into the Fort in a wedge-shape manner, on the west side of the center of the Fort, belonging to the adjacent outside property of Mr. Poor. It is desirable that the State obtain entire possession of the Fort in due time by purchases of the Ridge tract and the Poor wedge. In the negotia-

tions for the purchase of the Couden tract, the Secretary of the Society was materially assisted by the Hon. Alexander Boxwell, and Messrs. Moore and Bareis, trustees of the Society, and Mr. D. W. Humphreys, representative of the grantors of the Couden tract.

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## CARE OF FORT ANCIENT.

The committee, with Rev. William E. Moore as chairman and superintendent, having the custody and care of Fort Ancient in charge, have diligently and faithfully performed its work. The funds appropriated by the State for this special purpose have been profitably expended. Several visits during the year have been made to the fort by the chairman and other members of the Executive Committee, and personal supervision has been given to the repair and preservation of this famous prehistoric spot. On August 1, 1896, the contract, which the Society had with Messrs. Moorehead and Cowen, as to the custody of the fort terminated, and on the 19th day of September, 1896, a new contract was made with Mr. Warren Cowen, as the immediate party to take charge of and have certain uses of the property of the fort. This contract dates back to August 1, 1896, and is to continue for three years, terminating August 1, 1899. Mr. Cowen has proved, through two years experience, to be a most reliable and competent man for this work, as is shown by the report of Dr. Moore, chairman of the committee on Fort Ancient, which report is herewith submitted.

### REPORT OF COMMITTEE ON FORT ANCIENT.

COLUMBUS, OHIO, Dec. 20, 1896.

*To E. O. Randall, Secretary:*

My Dear Sir:—The sub-committee on Fort Ancient, on November 14, 1896, inspected the work done by Warren Cowen, by direction of the Executive Committee. They found the work done satisfactory.

The ground cleared of undergrowth last year had been carefully gone over and the new growth of sprouts and weeds cut

off. The tile sewer drains of last year were found to be in perfect order, carrying the accumulations of water in the low places inside the walls through and beyond them. The washes within the walls, which last year were stopped by dams of stone and logs, were found to have done their work so far effectually, and to need only care from year to year, reinforcing these dams to close the openings completely. The very serious wash and opening made years ago on the eastern side of the fort to let out the accumulated water, has been effectually stopped. A sewer drain of tile put in and the wall brought up to its original height. No attempt otherwise has been made to restore the walls. Nor is it contemplated, save as the result of the completion of the plans now pursued for stopping the washes and draining the ponds.

There being no water for drinking within the walls, other than the well at the house near the entrance, the Executive Committee directed a well and pump to be put in where it would be convenient for the use of visitors. Mr. Cowen was directed to contract for and superintend the work.

A well has been driven in the lower fort in the grove which will be most probably preferred for excursion gatherings in the fort. The well is 107 feet in depth, with an iron pump in steel casing, and yields an abundant supply of pure water.

The field in corn last year has been sown with wheat and seeded with grass.

Additional work in clearing away the undergrowth, dead and fallen trees, etc., on the lines of last year has been satisfactorily done. The aim of the committee has been, and is, to clear gradually the whole property, both within and without the walls, of all undergrowth, so as to give everywhere a clear view of this wonderful work; to leave the forest trees and, so far as possible, to get the whole in grass, making a beautiful park, worthy of the State and of the Society. To accomplish this result at no distant day, we believe that a comparatively small appropriation from year to year will suffice and that in a few years the property will pay its own expenses.

Respectfully,

WM. E. MOORE, *Chairman.*

## WORK OF THE EXECUTIVE COMMITTEE.

The Executive Committee has been most faithful, efficient and indefatigable in its supervision of the affairs of the Society, in its efforts to protect its interests, promote the objects of the Society and economically expend the funds placed at the disposal of the Society by the appropriation of the Legislature. The committee as a whole has held ten regular meetings on the following dates: February 28, March 3, April 7, May 5, July 6, August 17, September 12, October 12, December 8, January 14, Special meetings of the Finance Committee, Committee on Fort Ancient and Committee on Library and Museum were held at various times, and never before in the history of the Society have its officers and trustees shown so much interest in, or devoted so much time to, the affairs of the Society. Every detail of the work in the Society has been directed by the Executive Committee, or at least been carefully scrutinized by it.

The Committee on Museum and Library makes the following report:

### REPORT OF COMMITTEE ON MUSEUM AND LIBRARY.

COLUMBUS, OHIO, Dec. 20, 1896.

*To E. O. Randall, Secretary:*

DEAR SIR:—The past year has been one of marked improvement in the museum of the Society. Heretofore the specimens owned by or loaned to the Society and those of the Ohio State University were scattered among the different cases belonging to both institutions; the Curator could readily tell to which collection each specimen belonged, but visitors found it difficult to identify one from the other collection. Then came the thousands of specimens secured during the year, as a result of the "field work"; of donations; of purchases and exchanges of extra rare articles which necessitated relics being placed two and in some instances three tiers deep, thus hiding many from view. Five (5) handsome new cases, with a display space of some 400 square feet, have just been placed in position; these, in addition to the space formerly occupied by the university collection, have per-

mitted a proper display and arrangement. So that now all the specimens are plainly and neatly numbered and a type-written catalogue made and the specimens so separated that visitors have no difficulty in distinguishing the collections of the Society. To one not having seen the collection for a year there will appear a most marked evolution. From a "lot of relics" there has grown up the beginning of a "personnel" which it is hoped will develop to such a degree that the students can trace the rise and progress of the stone age in all its features as found in our State. Many historic and pioneer documents and other valuable articles have been added to the museum and properly labeled and catalogued.

Of the library not so flattering a report can be given. On account of the lack of book-cases and suitable room our books and pamphlets are nearly all stored in boxes. Many maps and charts are also stored away for lack of proper display space. It is hoped that the arrangements now nearly consummated to occupy an alcove in the Ohio State Library rooms will give the Society at least temporary quarters to place its valuable library at the disposal of those who desire to use it. The great need of the library (this also applies to the museum) is proper quarters in the Capitol building.

Respectfully submitted,

GEO. F. BAREIS, *Chairman.*

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## PUBLICATIONS.

The Society has now in press, and will probably have issued by the time this report is printed, the fifth volume of its publication of documents and papers. This volume comprising some five hundred pages, with maps and illustrations, will prove one of the most valuable yet issued by the Society. Its main feature is a history of the land title to the State of Ohio, commencing with the original land charters by the English kings to the colonial companies, and tracing the abstract of title from mother country sources to the establishment of the boundary lines of the State of Ohio and the formation of the State Constitution of 1802. This volume also contains a full and interesting

account of the work done by the Society during the past year in archæological research and explorations, with illustrations. The Society has now published, not including the extensive report of the Society's exhibit at Chicago (80 pages, 1894), five volumes of interesting, valuable matter, pertaining to Ohio, its history, biography and archæology. Most of this material has been either originally prepared or exclusively preserved by the Society, and the work of the Society in this line alone is sufficient reason for its being and cause for ample support by the State. These publications are in great demand by the leading historical societies and libraries, not only of the United States, but even those in Europe. These books are all in well preserved plates. Second editions have already been required of the first three volumes and no doubt a second edition of volume four will soon be demanded.

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## LIBRARY AND EXCHANGES.

The Society is in constant correspondence with the other State societies and the leading historical societies of the country. With all these a system of exchange of publications is established, and a large and valuable library is in this manner being accumulated—a library which can be obtained in no other way, and which will be of inestimable interest and value to all who wish to consult this class of literature. The State of Ohio has been most negligent in collecting and preserving historical material pertaining to Ohio. Our Society is doing what it can to assist in accumulating an Ohio historical library.

In accordance with the instructions of the trustees at the last annual meeting (February, 1896), the Secretary has had kept a Society Scrap Book in which are carefully preserved articles and newspaper clippings from the leading papers of the State on all subjects bearing upon the purpose and aims of the Society.

## QUARTERS FOR THE SOCIETY.

More than ever must the Secretary urge the great necessity of the Society for adequate quarters for the placing and preservation of its property, and facilities for its work. The Society is very much hampered by its lack of a "local habitation." The archæological collections of the Society are now located in Orton building of the Ohio State University, upon the second or gallery floor of the museum, where the University authorities have generously accorded us such space as they can spare. Our library is mostly packed in boxes in the basement rooms of the same building, and in the office of the Treasurer. The State of Ohio cannot afford to ignore the wants of the Historical and Archæological Society in this matter. As has been suggested elsewhere in this report, the State Library Commission have offered us an alcove in the State Library, which we may occupy until permanent quarters are accorded us, and it is fully expected that when the new addition to the State House is built, ample quarters for our exclusive use will be provided in some excellent portion of the present building. Many valuable donations of books, documents and specimen collections are only waiting to come into the possession of the Society when it has proper and safe quarters to receive them. The Society has grown in the value and extent of its work and its reputation till it is recognized as being in the front rank of similar State socieies, and our great State cannot do otherwise than liberally promote its progress. No State can surpass Ohio for wealth of material in the line of Archæology, Biography and History. The Ohio State Archæological and Historical Society is the only State agency for the collecting and preserving of this wealth. It should be afforded every means and facility required for the full accomplishment of its purpose.

## TREASURER'S REPORT.

### FEBRUARY 1, 1896 TO FEBRUARY 1, 1897.

RECEIPTS.

| | |
|---|---|
| Balance on hand February 1, 1896, | $ 328 82 |
| Membership Dues, | 96 00 |
| Banquet Tickets, | 58 00 |
| Sale of Picks, | 60 |
| From State Treasurer for Current Expenses, | 1,700 00 |
| " " " " Publications, | 349 04 |
| " " " " Field Work, | 826 30 |
| " " " " Care of Fort Ancient, | 501 55 |
| " " " " Purchase of Fort Ancient, | 5,200 00 |
| Interest on Permanent Fund, | 29 00 |
| Total, | $ 9,089 66 |

DISBURSEMENTS.

| | |
|---|---|
| Purchase Portion of Fort Ancient, | $ 5,200 00 |
| Improvements at Fort Ancient, | 468 10 |
| Expenses Incident to Care and Purchase, | 53 10 |
| Field Work, | 826 30 |
| Five (5) Cases for Specimens at Museum, | 270 00 |
| Volume 4, Balance in full, | 371 50 |
| Binding Publications and Miscellaneous Books, | 78 95 |
| Books Purchased, | 49 84 |
| Job Printing, | 108 75 |
| Postage Account, | 80 57 |
| Salary Account, | 1,146 67 |
| Stenographer, Balance for 1895, | 25 00 |
| Annual Banquet, February, 1896, | 80 00 |
| Supplies and Sundries, | 47 10 |
| Clerical Work at Museum, | 20 00 |
| Railroad Fare Mileage (Trustees), | 17 31 |
| Express, Drayage, etc., | 10 95 |
| Balance in Treasury February 1, 1897, | 235 52 |
| Total, | $ 9,089 66 |

S. S. RICKLY, *Treasurer.*
EDWIN F. WOOD, *Assistant Treasurer.*

## OUTSIDE WORK OF THE SOCIETY.

In no year of the history of the Society has so much been done throughout the State to bring the work and value of the Society to the attention of the citizens. This has been done by distribution of literature of the Society and by lectures at various points, especially by Mr. Moorehead, whose report of his work speaks for itself, and which is herewith added in full.

### MR. MOOREHEAD'S REPORT.

COLUMBUS, OHIO, Dec. 30, 1896.

*E. O. Randall, Secretary:*

Sir:—I have the honor to report that the collections of the Society have been more than doubled during the year 1896, and that—taken as a whole—the growth of the Museum has been exceedingly gratifying. In accordance with the wishes of the Society, my time during the past year has been exclusively occupied in field work, and when not in the field in conducting correspondence with numerous individuals throughout the State, with a view to procuring from them collections to be preserved by the Society. We have added something like 22,000 specimens, about three-fourths of which are the property of the Society, the others are loaned collections. Fifteen lectures have been deliverd in various cities of Ohio, and at all of these the literature of the Society was distributed. I am persuaded that we will reap great benefits from the advertising which we have had. Nearly one hundred county and city papers have kindly published editorials for us calling attention to the necessity of preserving archæological and historical specimens. By means of this coöperation on the part of the press of the State, we have received a number of valuable donations.

Of most importance is our State Archæological Map. There are now upon it nearly three thousand marks, representing about six thousand prehistoric village sites, mounds, fortifications and enclosures. They are recorded by townships and sections, and this map will be of great value to future generations when most of these structures have become obliterated.

The Society has been heartily commended by several Scientific institutions of the East for undertaking the production of this map.

Nearly all the summer was devoted to field work, and my assistants and myself covered the territory from the head waters of the Muskingum to the Ohio River, up the Scioto to Richmondale and along the Ohio from the mouth of Brush Creek to Ironton.

A total of thirty-two tumuli and mounds were explored. In some of these we found copper plates and ear ornaments, pipes, mica and ocean shells, beads and stone tomahawks, etc. Many perfect crania were secured, and as mound skulls are exceeding rare in museums, they will be of great value in the study of the physical characteristics of our ancient tribes.

The famous mound at McConnelsville was thoroughly explored, and many interesting remains found therein.

The collections of the Society are all in order, properly labeled and numbered, and are mounted according to the locality (river valleys) in which they were found.

I would suggest the advisability of sending some one through the northern and central portions of the State next summer in order to locate accurately the several thousand ancient remains which are not upon our map, and which we cannot secure by correspondence.

People all over the State are continually writing to the Museum with reference to the proper names, uses, etc., of specimens in their possession; for information on the mounds and earthworks, and for literature upon the subject. This is evidence of the growing interest in our Society, and that it is now regarded as an educational, and if I may be permitted to use the term—an authoritative society, from which can be obtained assistance and information heretofore only obtained from the Eastern museums.

At the present rate of growth more commodious quarters will soon be absolutely necessary for our collections.

Although the appropriation has been inadequate for the work assumed, it is fair to state we have added more specimens

than some institutions which have a greater revenue. I bespeak for the Museum larger appropriations.

In conclusion I beg to thank you and the trustees for the hearty support you have given me.

WARREN KING MOOREHEAD, *Curator.*

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## ACKNOWLEDGEMENT.

In closing this report I desire in behalf of the trustees of the Society to express our appreciation of the courteous consideration and friendly support accorded the Society by Governor Bushnell, Attorney General Monnett and Assistant Attorney General Lott, and also to President Canfield and Professor Edward Orton of the Ohio State University.

Personally I acknowledge my indebtedness, for valuables assistance, in the discharge of the duties of my office, to the officers of the Society, and particularly to the members of the Executive Committee of the Trustees.

Respectfully submitted,

E. O. RANDALL, *Secretary.*

Columbus, Ohio, February 1, 1897.

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## NECROLOGY.

Hon. William J. Gilmore, formerly judge of the Ohio Supreme Court, a life member and for many years a trustee of the Society died at his residence in Columbus, August 9th, 1896. He was buried at Eaton, Ohio, August 11th, the Society being represented by the secretary at the ceremonies of interment. In the decease of Judge Gilmore the Society lost a most valued member and a most faithful and wise counsellor and officer.

## ARTICLES OF INCORPORATION — MARCH 13, 1885.

The undersigned citizens of Ohio, having associated themselves together, and desiring to form a corporation not for profit, under the laws of the said State of Ohio, do hereby subscribe and acknowledge the following articles of incorporation:

1. The name of such corporation shall be The Ohio State Archæological and Historical Society.

2. Said corporation shall be located and its principle business transacted at the City of Columbus, County of Franklin, and State of Ohio.

3. Said Society is formed for the purpose of promoting a knowledge of archæology and history, especially of Ohio, by establishing and maintaining a library of books, manuscripts, maps, charts, etc., properly pertaining thereto; a museum of prehistoric relics and natural or other curiosities or specimens of art or nature promotive of the objects of the Association—said library and museum to be open to the public on reasonable terms—and by courses of lectures and publications of books, papers and documents touching the subjects so specified, with power to receive and hold gifts and devises of real and personal estate for the benefit of such Society, and generally to exercise all the powers legally and properly pertaining thereto.

4. Said Society has no capital stock.

The Articles of Incorporation were signed by twenty-eight persons.

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## HISTORY OF THE OHIO STATE ARCHÆOLOGICAL AND HISTORICAL SOCIETY.

During the year 1875, an archæological society was formed at General Brinkerhoff's home, in Mansfield, Ohio. This society, through the efforts of General Brinkerhoff, received an appropriation from the State of Ohio of two thousand five hundred dollars, to be expended in making an exhibit at the Centennial Exposition at Philadelphia. Prof. John T. Short, of the Ohio State University, was secretary of the society, and it flourished

under his secretaryship until his untimely death, when the society became dormant and practically inoperative. Governor Hoadly, who took an active interest in all matters pertaining to the archæology and history of the State, upon his accession to office conferred with Mr. A. A. Graham and suggested a revival of the old society. A meeting for the purpose of carrying into effect this suggestion was called to convene at the Secretary of State's office, on the twelfth day of February, 1885. A number of prominent gentlemen, including leading citizens, scholars and professors from various parts of the State, responded to this call, and decided to extend to all persons in the State interested in the formation of such a society, an invitation to meet on the twelfth day of March following, at Columbus, Ohio. In response to the circulars sent out, some sixty gentlemen from all parts of Ohio, representing the various departments of scholarship, convened on the day specified in the Library Room of the State Capitol. The meeting having been called to order by Hon. S. S. Rickly, the Hon. Allen G. Thurman was made President, and Mr. A. A. Graham elected Secretary.* This convention continued in session for two days and resulted in perfecting an organization known as The Ohio State Archæological and Historical Society, which was duly incorporated on the 13th day of March, 1885. The Articles of Incorporation succinctly set forth the purposes and aims of the Society.

The following have served as Presidents of the Society since its organization: Allen G. Thurman, Francis C. Sessions, Rutherford B. Hayes and Roeliff Brinkerhoff.

For twelve years the Society has faithfully pursued the lines of study and investigation for which it was organized, and has held regular annual meetings at Columbus. In that time it has accumulated a valuable collection of relics and intiquities, now consisting of over 30,000 specimens, mostly archæological in character, but embracing also many papers and articles of historical value. This collection has been catalogued and arranged in cases, and now occupies temporary quarters in the Museum of

* Mr. Graham occupied the office of secretary until December, 1893, when ill health compelled him to move to the West. He died in Albuquerque, N. M., in February, 1896.

Orton Hall at the Ohio State University. The library of the Society, which numbers several hundred volumes of considerable value, is being constantly augmented by exchanges and otherwise, is now placed in an alcove of the State Library. The Museum in Orton Hall is accessible to visitors on each week day, between the hours of 9:00 a. m. and 5:00 p. m.

The Society's archæological collection was placed on exhibition at the Centennial Exposition of the Ohio Valley, 1888, and also at the World's Columbian Exposition at Chicago, 1893, where it was acknowledged the finest and most complete display of the kind made by any of the States.

## MEMBERSHIP.

Article II, of the Constitution, provides for membership to this Society as follows:

SECTION 1. The membership of this Society shall be divided into four classes, designated as follows: Life Members, Active Members, Corresponding Members, and Honorary Members. Application for membership shall be made to the Secretary of the Society and by him referred to the Executive Committee. Upon the approval of the Executive Committee, such applicants shall be declared members.

SEC. 2. The payment at any one time of twenty-five dollars ($25.00) to the Society shall constitute the person so paying a life member. Life members shall be exempt from all further dues, and shall be entitled to all the privileges of active membership. Any person who shall make a donation to the Society, the value of which shall be determined by the Trustees, to be not less than twenty-five dollars ($25.00), shall be entitled to life membership. Said life membership payments shall constitute a permanent fund to be invested at the discretion of the Executive Committee. The income only of this fund shall be used by the Society for such purposes as the Executive Committee may direct.

SEC. 3. Active members shall be residents of Ohio and shall pay in advance an annual fee of three dollars ($3.00). They shall be entitled to vote and hold office. They shall receive free

all publications of the Society and have free access to the museum and library.

SEC. 4. Corresponding members may be residents of any locality and shall be persons who take an interest in the Society, and its objects, and are willing to aid it by representing its interests and securing donations for its museum and library. Secretaries of historical or kindred societies whose publications are furnished to this Society, may be constituted corresponding members.

SEC. 5. Honorary members shall be persons distinguished for scientific and literary attainments, particularly in the department of archæology and history.

About one hundred and twenty-five persons have become life members of the Society and some three hundred have at various times been enrolled as active members.

### GOVERNMENT OF THE SOCIETY.

The government of the Society is vested in a board of twenty-one (21) trustees, fifteen of whom are elected by ballot by the Society at its annual meetings. They are divided into three classes, five only being elected each year to serve for three years each from the time of their election, or until their successors are elected and qualified. The other six trustees necessary to complete the number of twenty-one (21), are appointed by the Governor of Ohio, as provided by the legislative enactment of April 16, 1891, two to be appointed each year to serve for the period of three years, or until their successors are appointed and qualified.

### ARCHÆOLOGICAL DEPARTMENT.

Particularly is the Society strong in archæological research. No State in the Union is so rich in archæological resources, consisting of mounds, forts, graves and monuments of prehistoric periods.

This department of the Society is under the direction of Prof. Warren K. Moorehead. Mr. Moorehead is Professor of Archæology in the Ohio State University, Fellow of the American Association for the Advancement of Science, and is a most

accomplished scholar on this subject, being the author of "Primitive Man in Ohio," and a complete work on "Fort Ancient."

The Society is the custodian of Fort Ancient, the largest, best preserved and most interesting remains of its character now extant. Models of this fort are in some of the leading museums of Europe, and it is often visited and studied by distinguished scholars, not only of other states but of foreign countries.

The Society, through a corps of explorers, is doing splendid and valuable work in examining and making permanent record of the innumerable points of archæological interest in the State. An archæological map is being prepared, which will designate the location of all important mounds, monuments, graves, etc., within Ohio. It is estimated that these places of interest number no less than fifteen thousand.

# THE EVOLUTION OF OHIO COUNTIES.

By J. F. Laning.

It is probable that the people who read this article will all know that the State of Ohio was not always divided into the number of counties there now are, and that to evolve the present map, a long period of time and many mutations of county outlines were necessary. But few people, however, know the extent of the evolution that has been going on, in bringing Ohio counties within their present environments. From the erection of the first county, in 1788, the number has been made to grow each year, by cutting down the size of those previously formed, until, by the limits of the constitution of 1851, requiring each of them to contain four hundred square miles, it is scarcely possible to now find a locality where the existing counties could let territory enough go to form a new one.

The importance of the county as a political unit varies in different parts of the United States. In New England it takes a secondary rank, that of the townships being first. In the Southern States the position is reversed, the county, or parish as it is called, being the leading agency for local government. In the State of Ohio, as also in the other Western States, the county and the township each has its special features in the frame of government, and they do not vary much in their importance. The structure of government here existing is of such a character, that it may be appropriately called a mixed or dual system, as it properly has a double unit in the township and county, for each of these divisions has its primary functions to perform, and neither outranks the other to any great extent. Each is a unit in making up the united whole represented collectively in the State government.

As it is possible that there may be some who, in this day of our fully formed State and perfected plan of government, may not be aware that the soil of Ohio was once a part of a territory of the United States, as Alaska, Utah and Oklahoma are now

territories, it is proper to refer to the fact, that at one time it was in an unorganized civil condition, and that, later, its first chief magistrate was a territorial governor, appointed by the authorities at Washington, as the governors of Western territories are now selected. The country embracing what are now the States of Ohio, Indiana, Illinois, Michigan and Wisconsin, first came to be known as a part of our nation, under the name of the Northwest Territory, and provision for its government was made by Congress, through a law known as the Ordinance of 1787. Arthur St. Clair was appointed as the first governor of the Territory, and through his action the first counties were established.

Historically speaking, county government here came into existence before that of townships. Counties were organized for the purpose of establishing court districts, and county areas were defined about as soon as the work of governing the Territory began. The first law for this domain was for the purpose of regulating the militia, and the second for organizing the courts. Those providing for the officers and affairs of townships came later.

In their original creation and formation, county and township divisions were independent of each other, the townships not being required to first exist as a basic factor in forming the counties, nor the county to be, as it now appears, the aggregation of a number of pre-existing townships. County lines were not, at first, concurrent with township lines, and it was often necessary for the county area to be made up without regard to the confines of townships, because, in some cases, counties were created before the township surveys had been commenced. The Ordinance of 1787 was preceded by what was known as the Ordinance of 1785, sometimes called the Land Ordinance. This made provision for the survey of the western lands, and their division into townships. This however, was for the purpose of getting them into farms, and making them ready for market and occupancy, and not for government. The Ordinance of 1785 applied only to government lands, and made provision that they should be surveyed into townships six miles square, but no rule was ever enacted for laying out the tracts disposed of by the government to land companies. Their proprietors cut them up into farms to

suit their own liking, and into sections of various size and form. The United States thus lost control over the manner of running township lines, and what is now regarded as our primary civil division was not laid out with a view of its becoming a factor in a higher county area, or a unit in a county organism.

St. Clair was authorized, by the Ordinance of 1787, to lay out the territory into counties and townships, but there is no record of his ever having interfered with the freedom of land owners to form townships. Counties, however, were never allowed to emerge in the irregular manner that townships did. Their larger functions, and their nearer relation to the central government of the State, made it necessary for the ruling power to assume control of their erection, and alteration, when required, and from the earliest period of our civil existence, counties have been brought into existence by the will of the government, executed through its executive or legislative department. In the progress of our State from an ungoverned wilderness to a fully organized and practically self-governed commonwealth, the edict of the ruling power has always directed the course and length of county boundaries.

With these remarks concerning the nature and historical relation of townships and counties, we now proceed to give something of the details of the evolution of the early Ohio counties.

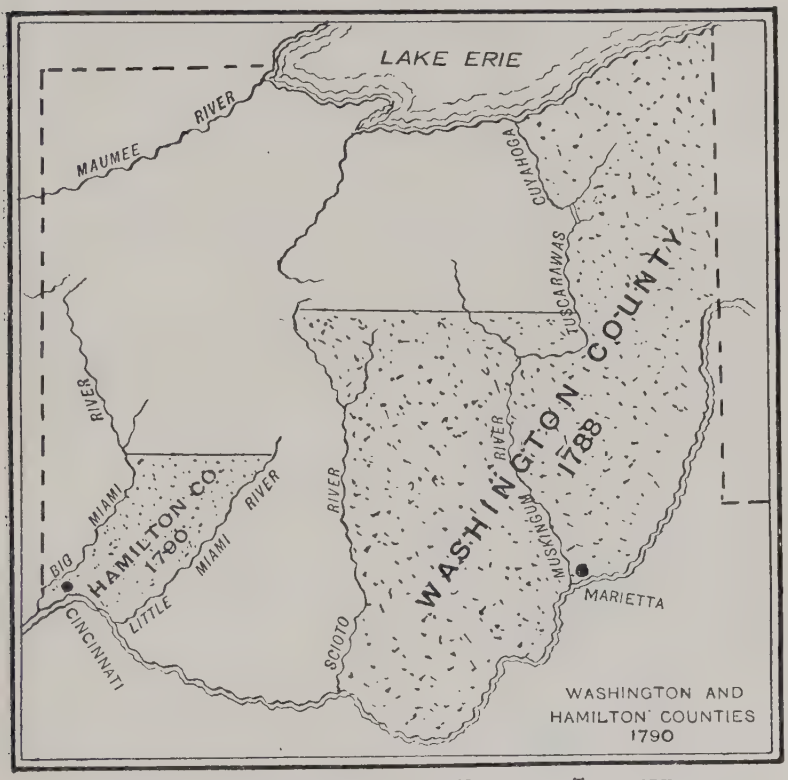
The Ordinance of 1787 prescribing the manner that the Northwest Territory should be governed, provided that "for the execution of process, civil and criminal, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles have been extinguished, into counties and townships, subject however, to such alterations as may thereafter be made by the legislature."

### WASHINGTON COUNTY.

St. Clair was appointed governor of the Territory, October 5, 1787, and arrived at Marietta, July 9, 1788. His first act toward carrying out the provisions of the Ordinance, as to the establishment of local government, was to erect the county of Wash-

ington. He issued an order defining its boundaries, July 27, 1788. They were as follows:

"Beginning on the bank of the Ohio river, where the western boundary line of Pennsylvania crosses it, and running with that line to Lake Erie; thence along the southern shore of said lake,




First Counties Established in the Northwest Territory.

to the mouth of Cuyahoga river; thence up said river to the portage, between it and the Tuscarawas branch of the Muskingum; thence down that branch to the forks, at the crossing place above Fort Lawrence (Laurens); thence with a line to be drawn westerly to the portage, on that branch of the Big Miami on which the fort stood that was taken by the French in 1752 (Loramie's Store), until it meets the road from the lower Shawnee

town to Sandusky; thence south to the Scioto river; thence with that river to the mouth, and thence up the Ohio river to the place of beginning."

It will be seen that this county comprised a large part of the eastern and northern portions of what is now the State of Ohio. It received its name in honor of President Washington. St. Clair not only exercised the right to lay off the counties, but to designate the place that the county business should be transacted. He named Marietta as the chief town of Washington county.

### HAMILTON COUNTY.

The next county formed by St. Clair was Hamilton. His edict brought it into existence January 2, 1790. Its boundaries were as follows:

"Beginning on the bank of the Ohio river, at the confluence of the Little Miami, and down the said Ohio river to the mouth of the Big Miami, and up said Miami to the standing stone forks or branch of said river, and thence with a line to be drawn due east, to the Little Miami, and down said Little Miami to the place of beginning."

It will be seen that this county at first contained only a small strip between the two Miami rivers. It was subsequently enlarged, as will be shown farther on. It received its name from Gen. Alexander Hamilton. Its place of holding court was fixed by St. Clair, at Cincinnati.

### ST. CLAIR COUNTY.

The next county to be set off, was that of St. Clair, in that part of the territory now included in Illinois. It was proclaimed April 27, 1797, and was bounded as follows:

"Beginning at the mouth of the little Michilmacinack river, running thence southerly in a direct line to the mouth of the little river above Fort Massac, on the Ohio river; thence with the Ohio to its junction with the Mississippi; thence up the Mississippi to the mouth of the Illinois river, and so up the Illinois river to the place of beginning."

St. Clair divided the county bearing his name into three judicial districts, viz: Cahokia, Prairie du Rocher, and Kaskaskia, in which terms of court were to be held the same as if they were separate counties.

KNOX COUNTY.

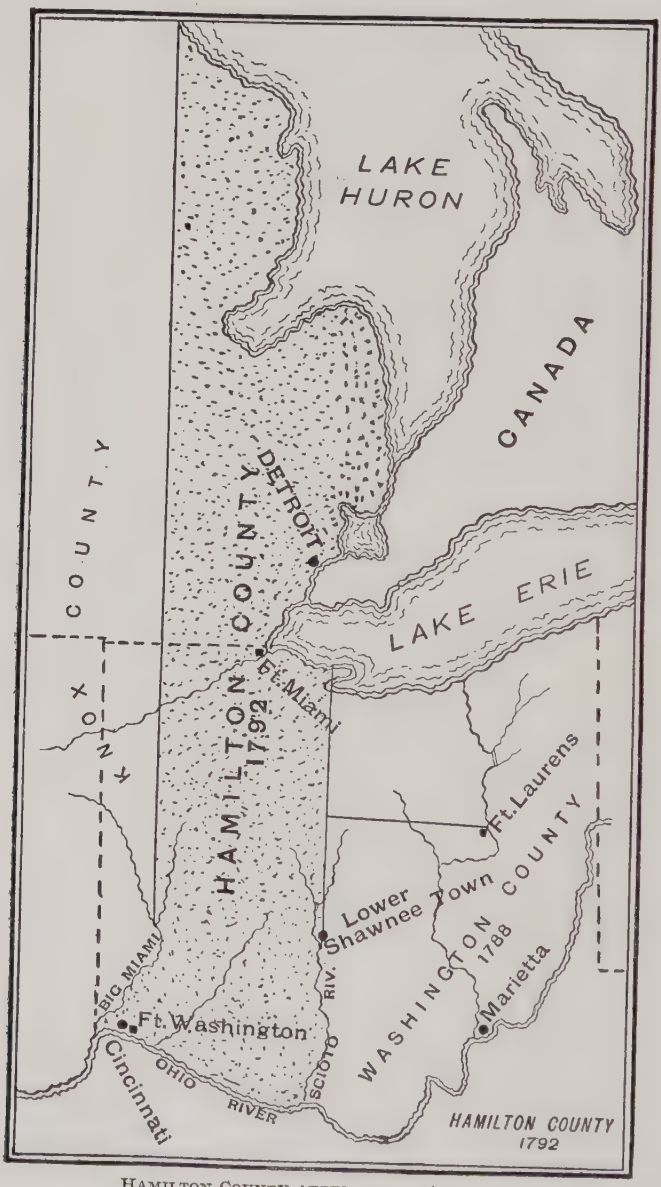
On the 20th of June, 1790, St. Clair set off the county of Knox, most of which is now in the state of Indiana, with boundaries as follows:

"Beginning at the standing stone forks of the Great Miami river and down the said river to the confluence with the Ohio river, thence with the Ohio to the small stream or rivulet above Fort Massac; thence with the eastern boundary line of St. Clair county to the mouth of Little Michilmacinack; thence up the Illinois river to the forks or confluence of the Theokiki and Chicago; thence by a line to be drawn due north to the boundary line of the territory of the United States, and so far easterly upon said boundary line as that a due south line may be drawn to the place of beginning."

HAMILTON COUNTY ENLARGED.

February 11, 1792, St. Clair issued a proclamation, setting forth the new county provision of the Ordinance of 1787, by which it was provided that new counties should be laid out as fast as the Indian titles were extinguished. There was a portion of the Territory lying between the Scioto and the Little Miami, which had not yet been included in a county. This, he said, on account of the scattered nature of the settlements, did not justify the erection of a new county, and he added it to the county of Hamilton. The boundaries of this county were then as follows:

"Beginning at the confluence of the Scioto with the Ohio river, and up the Scioto with the courses thereof to the upper part of the old lower Shawnee town upon said river; thence by and with a line to be drawn due north to the territorial boundary line, and westerly along said boundary line to the eastern boundary of the county of Knox, and down along the said eastern




HAMILTON COUNTY AFTER BEING ENLARGED.

boundary of Knox county by a due south line to the standing stone forks of the Great Miami river, and with the said Miami to its confluence of the Ohio river; thence up the Ohio river to its place of beginning."

### RANDOLPH COUNTY.

On the 15th day of October, 1795, St. Clair issued a proclamation reciting that the separation of the county of St. Clair into districts had not given that ease and facility to the administration of justice which was expected, and it became necessary that it be divided, and a new county erected. The territory south of a line running due east from what was known as the Cove Spring, to the Knox county line, was made the county of Randolph.

### WAYNE COUNTY.

There was a wide stretch of country on the north part of the Territory that was yet outside of any of the organized counties. On the 15th day of August, 1796, Wayne county was organized, with boundaries as follows:

"Beginning at the mouth of Cuyahoga river, upon Lake Erie, and with the said river to the portage, between it and the Tuscarawas branch of the Muskingum; thence down the said branch to the forks, at the carrying place above Fort Lawrence (Laurens); thence by a west line, to the eastern boundary of Hamilton county, (which is a due north line from the lower Shawnee town upon the Scioto river): thence by a line west-northerly to the southern part of the portage, between the Miamis of the Ohio and the St. Marys river; thence by a line also west-northerly, to the southwestern part of the portage, between the Wabash and the Miamis of Lake Erie, where Fort Wayne now stands; thence by a line west-northerly, to the most southern part of Lake Michigan; thence along the western shores of the same, to the northwest part thereof, (including the lands upon the streams emptying into said lake); thence by a due north line to the territorial boundary in Lake Superior, and through the said boundary through lakes Huron, Sinclair, and Erie, to the mouth of the Cuyahoga river, the place of beginning."

This, as will be seen, cut off the northern portion of the counties of Knox and Hamilton. The Northwest Territory was now divided into the six counties of Washington, Hamilton, Knox, St. Clair, Randolph and Wayne.

MAP SHOWING THE ORIGINAL WAYNE COUNTY.

## ADAMS COUNTY.

In order to establish more counties, as the existing ones embraced all of the Territory, it was now necessary to make a division of some of those that had already been erected. The first separation to be made was for the purpose of creating Adams

county. Hamilton county was large, and could well be divided. So, July 10, 1797, a county, called Adams, was taken off its east side, with boundaries as follows:

"Beginning at the Ohio river at the upper boundary of that tract of 24,000 acres of land, granted unto the French inhabitants of Gallipolis * * * thence down the said Ohio river, to the mouth of Elk river, (generally known as Eagle creek) and up with the principal water of the said Elk river or Eagle creek, to its source or head; thence by a due north line, to the southern boundary of Wayne county, and easterly along said boundary, so far that a due south line shall meet the interior point of the upper boundary of the aforesaid tract of land of 24,000 acres, and with the said boundary to the place of begining."

This county was named in honor of President Adams. Concerning its county seat, Howe, in his Historical Collections, says:

"The first court in this county was held in Manchester. Winthrop Sargent, the secretary of the teritory, acting in the absence of the governor, appointed commissioners, who located the county seat at an out of the way place, a few miles above the mouth of Brush Creek, which they called Adamsville. The locality was soon named, in derision, *Scant*. At the next session of the court its members became divided, and part sat at Adamsville, and part Manchester. The governor, on his return to the territory, finding the people in great confusion, and much bickering between them, removed the seat of justice to the mouth of Brush creek, where the first court was held in 1798. Here a town was laid out, by Noble Grimes, under the name of Washington. A large court-house was built, with a jail in the lower story, and the governor appointed two more of the Scant party judges, which gave them a majority. In 1800, Charles William Byrd, secretary of the territory, in the absence of the governor, appointed two more of the Manchester party judges, which balanced the parties, and the contest was maintained until West Union became the county seat."

### JEFFERSON COUNTY.

The next county to be divided was that of Washington. In 1786 the Seven Ranges had been surveyed and July 29, 1797, a portion of the northern part of the pioneer county was eliminated, and made into the county of Jefferson. The boundaries of the new county were as follows:

"Beginning upon the bank of the Ohio river, where the western boundary of Pennsylvania crosses it, and down the said river to the southern boundary of the fourth township in the third range, (of those townships that were surveyed in conformity to the ordinance of Congress of the 20th of May, 1785), and with the said southern boundary west, to the S. W. corner of the sixth township in the fifth range; thence north, along the western boundary of said fifth range to the termination thereof; thence due west to the Muskingum river, and up the same to and with the portage, between it and the Cuyahoga river; thence down Cuyahoga, to Lake Erie; thence easterly along the shores of the lake, to the western boundary of Pennsylvania, and south with the same to the place of beginning."

The county received its name from President Jefferson. Some idea of its original size may be known from the fact that, when established, it included within its boundaries what are now the cities of Cleveland, Akron, Canton, Warren, Steubenville, and Youngstown. Its county seat has always been at Steubenville.

### HAMILTON COUNTY EXTENDED.

The next act in the work of dividing the Territory into counties, was changing the boundaries of the counties of Hamilton, Wayne, and Knox. In 1795, General Wayne had made a treaty with the Indians, at Greenville, by which the line of the lands of the United States had been extended from Loramie's, westward to Fort Recovery, and thence southward to the mouth of the Kentucky river. The boundary of Hamilton county was extended westward, June 22, 1798, to make it correspond with this change in the boundary of the government territory. The line between Hamilton and Knox counties then became:

"The western boundary of the county of Hamilton shall begin at the spot, on the bank of the Ohio river, where the general boundary line of the United States and the Indian tribes, established at Greenville the third day of August, 1795, intersects the bank of that river, and run with that general boundary line to Fort Recovery, and from thence by a line to be drawn due north from Fort Recovery, until it intersects the southern boundary line of the county of Wayne, and from thence to the southern boundary of the county of Wayne, shall also be the eastern boundary of the county of Knox."

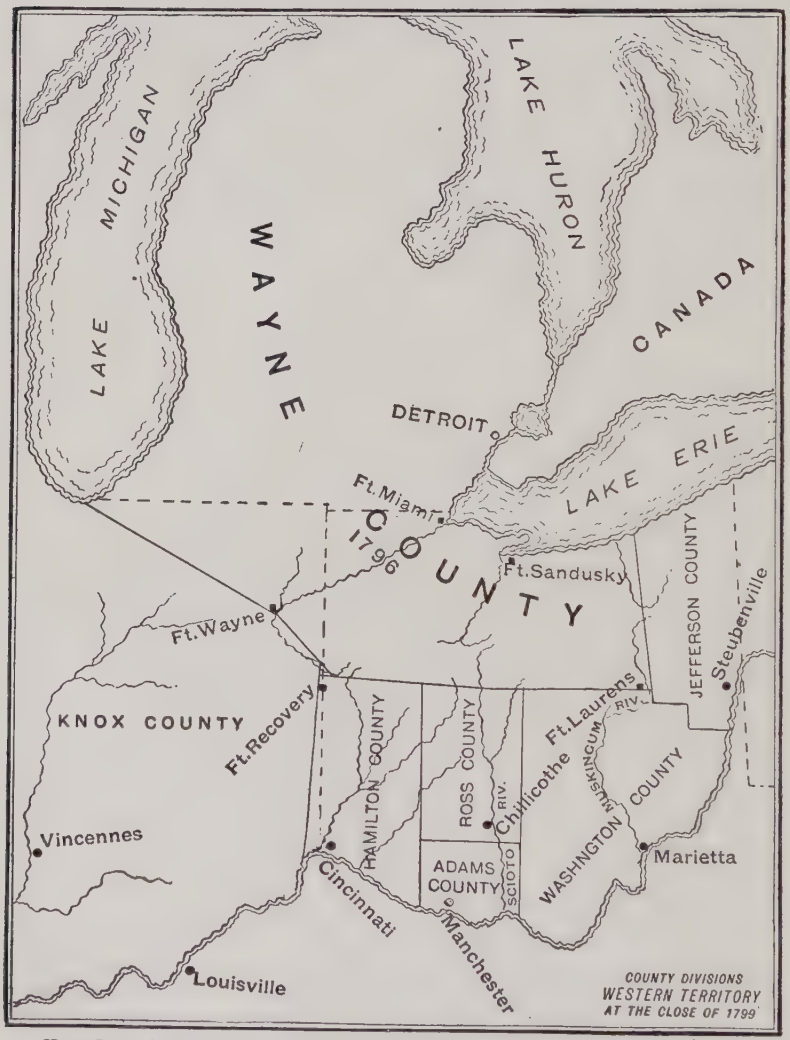
Hamilton county in this way got a part of Knox county, and a part of what is now Indiana.

ROSS COUNTY.

Ross next came into the family of Ohio counties. Nathaniel Massie, a surveyor in the employ of Virginia, had laid out the town of Manchester, in 1790, and induced people to emigrate to it. Massie had become a large land owner, and circulated glowing descriptions of the country along the Scioto, with the hope of inducing settlements. Robert J. Finley, and a Presbyterian congregation from Kentucky, were attracted, and a settlement was made at the mouth of Paint creek. Chillicothe was laid out in August, 1796, by Col. Massie. The opening of Zane's Trace, soon afterwards, diverted much of the westward travel, which before this time had been in boats down the Ohio, and brought it overland through this region. Other settlements sprung up, and with the increase in settlers, demands were put forward for a division of Adams county. St. Clair recognized the need of the new county, and, August 20, 1798, issued a proclamation for it, in which the boundaries were fixed as follows:

"Beginning at the forty-second mile tree, on the line of the original grant of land by the United States to the Ohio company * * * and running from thence west until it shall intersect a line to be drawn due north from the mouth of Elk river (commonly called Eagle creek), and from the point of intersection running north, to the south boundary of the county of Wayne, and from thence easterly with the said boundary of Wayne, until

a north line to be drawn from the place of beginning, shall intersect the same; and if it should be found that a north line to be




How Ohio Counties Appeared at the Close of the Eighteenth Century.

drawn from the place of beginning, will not intersect the said southern boundary of Wayne, then an east line is to be drawn

from the eastern termination of the said boundary, until it shall intersect the aforesaid north line to be drawn from the place of beginning."

Among the early settlers in this region were a number from Pennsylvania, among whom were, Dr. Edward Tiffin who afterwards became the first governor of the state, and Mr. Thomas Worthington, who became governor of the state and United States Senator. The county received its name from Hon. James Ross, of Allegheny county, Pa., who was at that time the unsuccessful candidate of the Federal party for the office of governor of that state. St. Clair was an ardent Federalist, and had been a member of Congress from Pennsylvania. Chillicothe was made the seat of justice. In 1800 it became the capital of the Northwest Territory. The sessions of the territorial legislature were held there, in 1801, and the convention which framed the first constitution of Ohio met there, in 1802. It was the state capital from that time until 1816, except during the years 1810-1812.

August 20, 1798, a strip was taken off the east side of Hamilton county, and added to Adams. The west line of Adams was made to commence on the Ohio, at the mouth of Eagle creek, and run due north until it intersected the southern boundary of Ross, instead of following up the river to its head, as in the original boundaries.

### CONTROVERSY OVER NEW COUNTIES.

This list of nine counties comprised what had been erected when, in pursuance of the proclamation from St. Clair, a territorial legislature was elected, in December, 1788. This proclamation was in obedience to the requirements of the Ordinance of 1787, as follows:

"So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly; provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants,

shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the Legislature; provided, that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; provided also, that a freehold in fifty acres of land in the district, having been a citizen in one of the states, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify the man as an elector of a representative."

Some idea of the population of the territory, at that time, may be formed from the representation the different counties obtained in the Territorial Legislature. Washington had two, Hamilton seven, Ross four, Adams two, Wayne three, and St. Clair, Randolph, Knox and Jefferson one each. New Connecticut was a part of the territory, governed under the laws of Connecticut, and would have been entitled to a representation, but had none, because, as St. Clair said, he did not know of population enough in the district to entitle it to a member.

The legislature met at the appointed place, February 4, 1799. Before this time the people of several localities in the territory had been clamorous for the erection of new counties, but their desires had been refused by St. Clair. The territorial legislature having met, the matter now came before that body, and was a disturbing element between the executive and the General Assembly. Several acts were passed creating new counties, or changing the boundaries of those already existing. The legislature insisted that, after the governor had laid out the country into counties and townships, as he had already done, it was competent for them to pass laws, altering, dividing, and multiplying them at their pleasure, to be submitted to him for his approbation: that when the territory had been divided into counties by the governor, his exclusive power was exhausted, and any alterations thereafter required, were to be made by the legislature, with his assent. But St. Clair would not assent to any laws changing

the boundaries of counties, or erecting new ones. Six acts of the kind, passed at this session, were vetoed by him. The governor made a speech to the legislature, on the day of its adjournment, in which he said:

"I am truly sensible, gentlemen, of the inconveniences that follow from a great extension being given to counties; they cannot, however, be constructed while the settlements are otherwise, and the inconveniences are not lessened, but rather increased by being made very small, with respect to the number of inhabitants.

"The expenses which necessarily attend the establishment of counties fall light when divided amongst a number, but become a heavy burden when they must be borne by a few, and the inconvenience of attending the courts as jurors and witnesses, which are sometimes complained of, are increased nearly in the same ratio as the counties are multiplied within the same bounds.

"There is yet another reason, gentlemen, why those acts were not assented to. It appears to me that the erecting of new counties is the proper business of the executive. It is, indeed, provided that the boundaries of counties may be altered by the legislature; but that is quite a different thing from originally establishing them. They must exist before they can be altered, and the provision is expressed that the governor shall proceed from time to time, as it may become necessary to lay them out. While I shall ever most studiously avoid encroaching on any of the rights of the legislature, you will naturally expect, gentlemen, that I should guard, with equal care, those of the executive."

Another reason given by St. Clair for his dissent to the bills for erecting new counties, was, as he said, that in some of them the present number of inhabitants could not support a county, as it was not probable that the names of every man living within the proposed boundary exceeded a hundred. St. Clair's biographer, in the St. Clair Papers, advances another reason for his conservatism. He says: "The greed which characterized the transactions in land, actuated those who were speculators, to seek to control the establishment of county towns. They hoped to increase the value of their lands, as the public improvements in

the way of buildings and roads, and superior advantages incidental to a county seat, would attract the better class of settlers to such neighborhood." An illustration of this is afforded in the case of the strife in the county of Adams, to which reference has been made.

It is quite likely that the true secret of St. Clair's unwillingness to erect new counties, was, that if a large number of them were represented in the legislature, the chance of his exercising much political influence over the body would be diminished.

### DIVISION OF THE NORTHWEST TERRITORY.

The next movement in the evolution of the territorial divisions of the Northwest Territory, was the act of Congress dated May 7, 1800. This provided for the separation of the western part of the territory, and calling it the Indiana Territory. The division was to be at a line beginning on the Ohio opposite the mouth of the Kentucky river; thence northerly to Fort Recovery; and thence north to an intersection of the territorial line between the United States and Canada. This line divided the lower Michigan peninsula into two nearly equal parts, but it did not remain in force for any considerable time. The eastern division, thus created, was to remain under the existing government, and the western division to be organized under a similar one.

It was also provided in the act, that when the eastern part should be formed into a state, the western boundary line should be changed, and begin at the mouth of the Great Miami river, and run thence due north to the Canada line. A division of the territory into states had been contemplated in the Ordinance of 1787, and this provision for changing the western boundary, made the act coincide with the terms of the Ordinance upon the subject. Its requirements were:

"There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states, * * * shall become fixed and established as follows, to-wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio and Wabash rivers; * * * the middle states shall be bounded by the * * * line from the Wabash

and Post Vincents due north to the territorial line between the United States and Canada, and by the said territorial line to

MAP SHOWING DIVISION OF NORTHWEST TERRITORY.

the Lake of the Woods and Mississippi, by a direct line drawn due north from the mouth of the Great Miami to the said territorial

line, and by said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania and the said territorial line; provided, however, and is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies norh of an east and west line drawn through the southerly bend or extreme of Lake Michigan; and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the Congress of the United States, * * * and shall be at liberty to form a permanent constitution and state government."

The census of 1800 revealed the fact that the eastern division of the territory had a population of forty-two thousand, and although this was less than the number set in the ordinance, to entitle it to admission to the Union, the people were ambitious to form a state government, and made application to Congress for the privilege. Much scheming was indulged in at the time, between the adherents of the Federalist and the Anti-Federalist parties, each desiring to get the political advantage of the other in the formation of the new state. Each desired to have the boundaries coincide with their political majority. St. Clair was a Federalist and was working for a state that would vote for his party. He advocated that one be made from the territory east of a line running up the Scioto to the southwest corner of New Connecticut, as, in this district, a majority of the voters supported the Federal party. But in the boundaries, as they were fixed in the Ordinance of 1787, not including the county of Wayne, there was a majority in favor of the Anti-Federalists. Congress was then an Anti-Federalist body, and the Ordinance boundaries were left intact.

## THE STATE FORMED.

April 30, 1802, an enabling act was passed authorizing a constitutional convention, to form a state, from which the following extracts pertinent to this subject are taken:

"The inhabitants of the eastern division of the territory northwest of the river Ohio, be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper;

"That the said state shall consist of all the territory included within the following boundaries, to-wit: Bounded on the east by the Pennsylvania line; on the south by the Ohio river, to the mouth of the Great Miami river; on the west by the line drawn due north from the mouth of the Great Miami aforesaid; and on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect said Lake Erie, or the territorial line, and thence, with the same, through Lake Erie, to the Pennsylvania line aforesaid;

"That all that part of the territory of the United States northwest of the river Ohio, heretofore included in the eastern division of said territory, and not included within the boundary herein prescribed for the said state, is hereby attached to, and made a part of the Indiana territory.

"That all male citizens of the United States, who shall arrive at full age, and reside within the said territory at least one year previous to the day of election, * * * be, and they are hereby authorized to choose representatives to form a convention, who shall be apportioned among the several counties within the eastern division aforesaid, in a ratio of one representative to every twelve hundred inhabitants of each county * * * that is to say, — from the county of Trumbull two representatives, from the county of Jefferson seven, two of the seven to be elected within what is now known by the county of Belmont, taken from Jefferson and Washington counties; from the county of Washington four representatives; from the county of Ross seven representatives — two of the seven to be elected in what is now known by Fairfield county, taken from Ross and Washington counties; from the county of Adams three representatives; from the county of Hamilton twelve representatives — two of the twelve to be elected in what is now known by Clermont county, taken entirely from Hamilton county; and the elections for the representatives afore-

said, shall take place on the second Tuesday of October next, the time fixed by law * * * for elected representatives to the General Assembly.

"That the members of the convention * * * when met shall first determine by a majority of the whole number, whether it be or be not expedient at that time, to form a constitution and state government for the people within the said territory; and if it be determined to be expedient, the convention shall be, and hereby are authorized to form a constitution and state government;

The Federalists, having been defeated in their endeavor to have a small state formed, did not cease their opposition to the proposed new state. Not having been able to get what they wanted, they were now not in favor of any change. As the act authorizing the calling of a convention, left it to that body, when assembled, to say whether a state would be formed, it became important for each side to elect as many of its adherents to the convention, as possible. Political excitement ran high. The Federalists complained of the provisions of the enabling act prescribing the number of members the different counties were allowed in the convention, claiming that those which had adverse majorities to their party, were given an unfair representation, in order to ensure a political majority for the opposing party, and that Wayne county was left out of the convention, because its vote would be opposed to the new state. The Federalists endeavored to secure the election of as many members, pledged in opposition to a state, as possible, and hoped to defeat the project by a vote in the convention when it had assembled. Notwithstanding their strenuous efforts, they were sorely defeated. When the convention met, the vote upon the question of statehood was thirty-four for it, to one against.

It is to be observed that the convention, in forming the western boundary of the state, followed the line that had been fixed by Congress in the Enabling act of April 30, 1802, and which was the same as that fixed in the proviso of the act of May 9, 1800, providing for the division of the territory. The new boundaries for the state set out in the convention of 1802 were as follows:

"Bounded on the east by the Pennsylania line, on the south by the Ohio river to the mouth of the Great Miami river, on the west by a line drawn due north from the mouth of the great Miami aforesaid, and on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie on the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid."

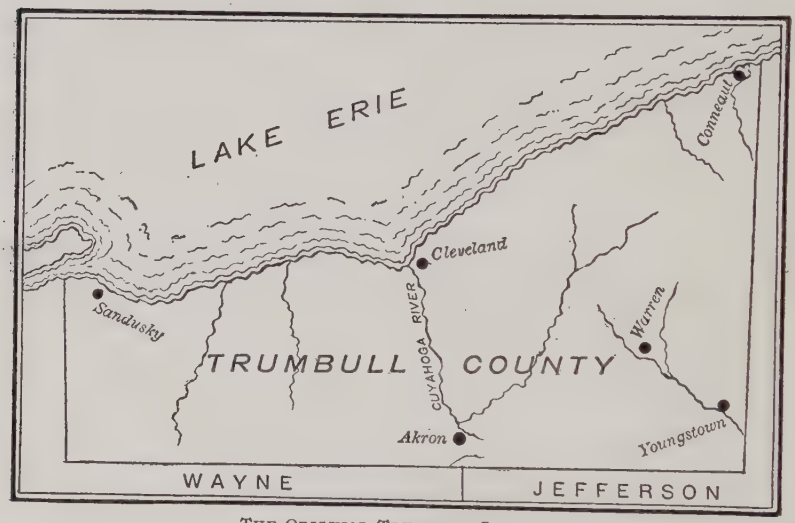
The contraction of the western boundary, so that the state line began at the mouth of the Great Miami, instead of at a point opposite the mouth of the Kentucky, gave Indiana a strip of territory about fifty miles wide on the Ohio, and one hundred miles long next to the eastern boundary of that state, coming to a point near Fort Recovery, which happens to be about in the due north line from the mouth of the Great Miami.

Disputes have arisen as to the correctness of the surveys of the western and northern boundary lines of the state, which have been fully set forth in former issues of the Archæological Reports published by this society.

### TRUMBULL COUNTY.

At the time of the organization of the Northwest Territory the state of Connecticut had laid claim to that part of it lying north of the forty-first parallel of north latitude. In 1786 the legislature of that state ceded all of this claim to the United States, except a strip 120 miles in length lying next west of the Pennsylvania line. This became known as the Western Reserve of Connecticut, and was often called New Connecticut, as that state continued to enact laws for its government, and exercise jurisdiction within it, as she did at home. In May, 1800, her legislature renounced jurisdiction to this Reserve, and conveyed the same to the United States. It then became in order for St. Clair, the territorial governor, to create a county government for it. Before this, it had been parts of the counties of Jefferson and Wayne. July 10, 1800, St. Clair placed all of the Reserve into the county of Trumbull. The new county embraced all of the territory north of the forty-first parallel, lying within a distance

of 120 miles west of the Pennsylvania line. It was named in honor of Governor Trumbull of Connecticut, who was the executive of that state at the time the cession was made. The county seat was located at Warren.




THE ORIGINAL TRUMBULL COUNTY.

## CLERMONT COUNTY.

The next county which St. Clair organized was Clermont. The date of his proclamation for the purpose was December 6, 1800. It was taken from the county of Hamilton. The county seat was located at Batavia. The origin of the name of the county has not been preserved, but the presumption is that it was derived from Clermont in France.

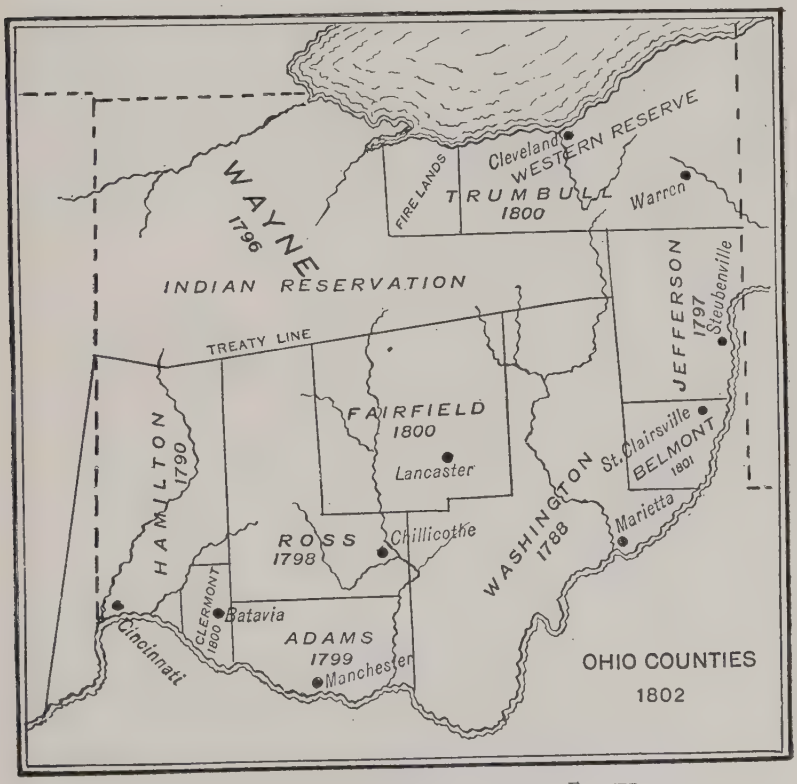
## FAIRFIELD COUNTY.

December 9, 1800, but three days after the organization of Clermont county, St. Clair issued a proclamation for the organization of Fairfield county. It was taken from the counties of Washington and Ross, about one-half from each. St. Clair gave it the name of Fairfield, from the beauty of its fair lands. The county seat was located at Lancaster.

BELMONT COUNTY.

Belmont county was formed by St. Clair, September 7, 1801. It was made up of the northern part of Washington and the southern part of Jefferson county. Belmont is derived from two French words signifying a fine mountain. The surface is very hilly and the land very picturesque. St. Clairsville, the county seat, derives its name from Governor St. Clair.

This was the last county to be formed by the proclamation of the territorial governor. Subsequent to this, under the new state government, counties were formed, and their boundaries changed, by act of the state legislature.




How Ohio Appeared when the State was Formed.

This completes the evolution of Ohio counties to the time the state was formed. The Convention which met November 1, 1802, to frame the first state constitution was composed of thirty-five members, apportioned to the counties appearing on the above map, as follows: Adams, three Belmont two, Clermont two, Fairfield two, Hamilton ten, Jefferson five, Ross five, Trumbull two, and Washington four. The northwestern part of the state, by the treaty of Greenville, August 3, 1795, had been allotted to the Indian tribes, as a reservation, and was unsettled by the Whites. The seat of government of the county of Wayne was at Detroit, and when Ohio was being formed, as the greater part of that county would be in the Indian Territory, it was given no representation in the convention.

These counties have been divided and disintegrated, until from the nine organized counties and the Indian reservation that came to the state when formed, the number has grown to eighty-eight. When this article was begun it was the intention to go to the end, and thus evolve the present county map of the state, but the time allotted has been too brief to allow it, and we stop at this convenient point, hoping to be able to present the others in some subsequent report.